

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE May 9, 2006		(3) CONTACT/PHONE Jo Manson, Planner II; (805) 781-4660	
(4) SUBJECT Hearing to consider an appeal by Steven T. Shears / Fred Strong, F. Strong & Associates, of the Planning Director's determination concerning application for Certificates of Compliance C05-0110 (SUB2004-00334), for four parcels of 40.00 acres, 40.30 acres, 46.32 acres and 46.89 acres in the Agriculture Land Use Category. The project is located at 425 Jensen Rd., approximately one mile north of the intersection of Jensen Road and Vineyard Drive and approximately seven miles west of the community of Paso Robles in the Adelaida Planning Area, APN: 026-331-001. County File Number: SUB2004-00334 . Date application accepted: February 21, 2006. Supervisorial District #1.					
(5) SUMMARY OF REQUEST An appeal, by the property owner/agent, of a Planning Director's decision that deed history does not support the underlying four parcels for which four certificates of compliance are requested. The appellant is requesting recognition by the Board that four individual parcels exist and four unconditional certificates of compliance may be approved rather than accept the staff determination that deeds verifying chain of title conveying the property validate one unconditional certificate of compliance.					
(6) RECOMMENDED ACTION Adopt the resolution denying the appeal and affirming the decision of the Planning Director to recognize one legal parcel through the issuance of one unconditional certificate of compliance for which deed history has been provided for SUB2004-00334 / C05-0110 based on the findings listed in Exhibit A.					
(7) FUNDING SOURCE(S) Appeal Fee (\$604.00)		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): None					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input checked="" type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All		(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board	
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. <u>45 minutes</u>) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A			
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A			
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____		(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____	
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: center; font-size: 1.2em; margin-top: 20px;"> <i>Ok Leslie Brown</i> </div> <div style="text-align: right; font-size: 1.5em; margin-top: 20px;"> <i>C5-9-06</i> </div>					



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: JO MANSON, PLANNER II, INFORMATION SERVICES GROUP

VIA: VICTOR HOLANDA, DIRECTOR OF PLANNING AND BUILDING

DATE: MAY 9, 2006

SUBJECT: Hearing to consider an appeal by Steven T. Shears / Fred Strong, F. Strong & Associates, of the Planning Director's determination concerning application for Certificates of Compliance C05-0110 (SUB2004-00334), for four parcels of 40.00 acres, 40.30 acres, 46.32 acres and 46.89 acres in the Agriculture Land Use Category. The project is located at 425 Jensen Rd., approximately one mile north of the intersection of Jensen Road and Vineyard Drive and approximately seven miles west of the community of Paso Robles in the Adelaida Planning Area, APN: 026-331-001. County File Number: **SUB2004-00334**. Date application accepted: February 21, 2006. Supervisorial District #1.

RECOMMENDATION

Adopt the resolution denying the appeal and affirming the decision of the Planning Director to recognize one legal parcel through the issuance of one unconditional certificate of compliance for which deed history has been provided for SUB2004-00334 / C05-0110 based on the findings listed in Exhibit A.

DISCUSSION

On February 21, 2006, planning staff wrote a letter (attachment #6) to Fred Strong, agent for Steven T. Shears, in response to an application for four (4) unconditional certificates of compliance (C05-0110). The application was requesting legal parcel recognition of particular government lots and the southeast quarter of the northwest quarter of Section 6, Township 27 South, Range 11 East. After evaluation of the information and the deed history/chain of title submitted in the application and consideration of relevant court case determinations, planning staff concluded that the deed history did not support four (4) underlying legal parcels. Planning staff concluded that the deed history does support one (1) underlying legal parcel for which one (1) unconditional certificate of compliance can be approved.

An appeal was filed on March 8, 2006, by the property owner/agent. The appellant is requesting recognition by the Board that four (4) individual parcels exist and four (4)

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EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

unconditional certificates of compliance may be approved rather than accept the staff determination that deeds verifying chain of title conveying the property validate one (1) unconditional certificate of compliance. The following comments and analysis discuss the issues raised in the appeal.

BACKGROUND

In order to confirm the legal status of government lots 1, 2 and 3, and the southeast quarter of the northwest quarter of Section 6, Township 27 South, Range 11 East as four (4) separate legal parcels the applicant would need to provide pre-1972 deeds that separate each proposed lot from surrounding lands. The applicant has not submitted evidence of separate conveyances for each of the government lots, as well as the southeast quarter of the northwest quarter, separating them from surrounding land to effectuate their creation. If the lots and quarter quarter section have been deeded separately from surrounding land, the deeds could provide the evidence of separate legal parcels if the deeds were dated prior to 1972 for parcels such as these that are over forty (40) acres in size.

After evaluation of the information and the deed history/chain of title submitted in the application and consideration of relevant court case determinations, planning staff has concluded that none of these particular lots or quarter quarter section were separately conveyed and therefore one (1) unconditional certificate of compliance could be approved for all of the government lots and the quarter quarter section together as one (1) legal parcel based on the deed history.

The original federal patent, E PAT 468 (7/28/1892), conveyed government property (lots 1, 2, and 3 and the southeast quarter of the northwest quarter of Section 6, Township 27 South, Range 11 East) into private ownership. The federal patent described the property being conveyed in terms of multiple, contiguous "lots" and a quarter quarter section depicted on an official United States Government Survey Map.

The California Subdivision Map Act vests local governments with control over the design and improvement of land subdivisions in California. A subdivider must obtain approval of and record a final tract or parcel map with the governing local entity before resulting parcels may be sold, leased, or financed. The County of San Luis Obispo has never approved any map under the provisions of the California Subdivision Map Act (Map Act) and has never granted approval of any subdivision of the subject property.

The California Attorney General has opined that if a federal patent conveying government property into private ownership describes the property being conveyed in terms of multiple, contiguous "lots" depicted on an official United States Government Survey Map, each lot does not constitute a distinct legal parcel that a county must recognize for purposes of the Subdivision Map Act. See 81 Ops. Atty. Gen. 144 (April 3, 1998) (attachment #7). The Survey Map did not establish a subdivision of land within the meaning of the Map Act. The Survey Map did not provide constructive notice to prospective transferees, was not recorded in the local office of the county recorder, and

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did not serve the same purposes of a map filed under the Map Act. Therefore, the lots and quarter quarter section described in the present situation collectively constitute one (1) parcel for purposes of the Map Act, not multiple legal parcels.

APPEAL ISSUES

Issue #1:

The lots are shown on the United States Government Survey Map and are described in E PAT 468. The Patent created one parcel. The subsequent conveyances created four lots, pieces and parcels. None of the subsequent deeds combined the four lots, pieces and parcels back into a single lot, piece or parcel. Subsequent deeds referred to the conveyance of "...that certain lot, piece or parcel of land...". It describes a single, rather than a multiple, conveyance.

Response #1:

The appellant refers to the terms "all that real property", "real property" and "land", and states that none of the subsequent deeds combined the four lots, pieces and parcels back into a single lot, piece or parcel. The subsequent conveyance of these lots would be a method for substantiating legality if the lots were conveyed separately from surrounding land.

The original federal patent, E PAT 468 (7/28/1892), conveyed government property (lots 1, 2, and 3 and the southeast quarter of the northwest quarter of Section 6, Township 27 South, Range 11 East) into private ownership. The federal patent described the property being conveyed in terms of multiple, contiguous "lots" and a quarter quarter section depicted on an official United States Government Survey Map. Subsequent conveyances were accomplished by a single deed that transferred the entire ownership. A review of the deed history revealed that the entire subject property has always been conveyed together on one deed and none of the proposed lots was ever individually separated from surrounding land by conveyance.

As previously mentioned, the California Attorney General has opined that if a federal patent conveying government property into private ownership describes the property being conveyed in terms of multiple, contiguous "lots" depicted on an official United States Government Survey Map, each lot does not constitute a distinct legal parcel that a county must recognize for purposes of the California Subdivision Map Act. The Survey Map did not establish a subdivision of land within the meaning of the California Subdivision Map Act.

In the case of *John Taft Corporation v. Advisory Agency for the County of Ventura*, 27 Cal. App. 3rd 749 (November 9, 1984), the California Court of Appeal held that a United States Government Survey Map does not establish a subdivision of land within the meaning of the Map Act. The term "legal subdivision" as used in the federal survey law refers neither to a physical division of land nor to the allocation of a parcel to more than one owner, but refers solely to a survey method adopted to facilitate the conveyance of

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public land to one or more owners by establishing the geographic location of the land on a descriptive map.

In the *Taft* case, a Survey Map had outlined and identified three contiguous lots that were later included in a patent conveying the property into private ownership, which is similar to the appeal before your Board. Just like the subject property, subsequent conveyances were accomplished by a single instrument that separately identified, but did not divide, ownership of the lots. In 1980 the owner of the property conveyed two of the lots by separate grant deeds and retained the balance of the land. The *Taft* court held that the separate sale of the two lots constituted an illegal subdivision because the county had never approved any map, the county had never granted approval of any subdivision of the property and most importantly, the court held that the Survey Map did not establish a subdivision of land within the meaning of the Subdivision Map Act. The California Subdivision Map Act vests local governments with control over the design and improvement of land subdivisions in California. The County of San Luis Obispo has never approved any map under the provisions of the California Subdivision Map Act and has never granted approval of any subdivision of the subject property.

SHEARS
EVALUATION OF DEEDS SUBMITTED WITH APPLICATION

E PAT 468	1892 This deed describes government lots 3, 4, 5 and the southeast quarter of the northwest quarter of Section 6, T27S, R11E.
50 DDS 2	1901 Same legal description as E PAT 468.
97 DDS 345	1913 Same legal description as E PAT 468.
102 DDS 185	1914 Same legal description as E PAT 468; mistake in township corrected in 105 DDS 219.
105 DDS 219	1915 Same legal description as E PAT 468; corrected mistake in township in 102 DDS 185.
105 OR 187	1931 Same legal description as E PAT 468.
248 OR 380	1938 Same legal description as E PAT 468.
303 OR 454	1941 Same legal description as E PAT 468.
1354 OR 83	1965 Same legal description as E PAT 468.
2010 OR 886	1977 Same legal description as E PAT 468.

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2016 OR 420	1977	Describes 3 portions of the South Half of Section 6, T27S, R11E. Does not describe subject property.
2371 OR 238	1981	Same legal description as E PAT 468.
3298 OR 83	1989	Same legal description as E PAT 468.
Doc. # 2000-052288	1999	Same legal description as E PAT 468.
Doc. # 2005-003031	2005	Deed of Trust - Same legal description as E PAT 468.
Doc. # 2005-016656	2005	Same legal description as E PAT 468.
Doc. # 2005-016657	2005	Same legal description as E PAT 468.
Doc. #2005-016658	2005	Deed of Trust - Same legal description as E PAT 468.

Issue #2:

The appellant makes reference to two court cases - *Gardner v. County of Sonoma* and *Lakewood v. County of Santa Clara*. The appellant states that *Lakewood* never said that individual "deeds" were required. The appellant further states that "Rather Lakewood said that individual conveyances with identifiable individual description must be present for the individual lot, piece or parcel to have been created and be recognized".

For clarification, the court case reference to "Lakewood" is in error. The court case is correctly referenced as *Lakeview Meadows Ranch v. County of Santa Clara*, 27 Cal. App. 4th 593 (August 10, 1994). It is planning staff's assumption that this is the court case the appellant is actually referring to.

Response #2:

For reference, in the case of *Gardner v. County Sonoma*, 29 Cal. 4th 990 (February 6, 2003), the California Supreme Court held that lots shown on a pre-1893 map are not created by that map: they are only created through conveyances for each individual lot that separates it from surrounding land. The subject property was not shown on any pre-1893 map. It was shown on a United States Government Survey Map. Therefore, the *Gardner* case decision is not relevant.

In the case of *Lakeview Meadows Ranch v. County of Santa Clara*, the Court of Appeal held that a parcel was "created" when it was separated by a patent from the other contiguous units of land surrounding it which conveyed title to the parcel to a prior owner. In those circumstances, each such individually-patented parcel was considered to be a legal parcel under the Subdivision Map Act. Similarly, in the case of the subject property, the multiple contiguous lots depicted on a United States Government Survey Map may not be separately conveyed (recognized) without compliance with the requirements of the Act. The government lots and quarter quarter section described in the present situation collectively constitute one parcel for purposes of the Subdivision

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Map Act, not multiple legal parcels. A Survey Map does not establish a subdivision for purposes of the Subdivision Map Act.

Issue #3:

Application number C05-0110 contained four lots, pieces or parcels of land. The application fee acknowledged, with a single file number, a designation of four separate lots, pieces and/or parcels of land for four certificates of compliance. The project information was presented to County Counsel before making application and the applicant was told to proceed.

On April 25, 2005 the appellant submitted one application for four (4) unconditional certificates of compliance. The application was assigned project number SUB2004-00334 and certificate of compliance number C05-0110. The application fee was \$1,409.00.

Response #3:

The appellant provided County Counsel with project information for their review. County Counsel advised planning staff to process the applicant's request utilizing the standard review procedure for determining whether the deed history/chain of title supported the applicant's request for four (4) unconditional certificates of compliance.

An application for four (4) unconditional certificates of compliance was submitted to the Department of Planning and Building for processing. As part of the standard project review process, planning staff determines whether the deed history/chain of title supports the applicant's request for the specified number of unconditional certificates of compliance.

After evaluation of the deed history submitted in the application, staff concluded that none of these particular lots or quarter quarter section had deeds that separated the lots or quarter quarter section from surrounding land. Therefore, in our letter dated February 21, 2006 to the applicant's agent (attachment #6), planning staff indicated that one (1) unconditional certificate of compliance could be approved for the entire subject property. A draft certificate of compliance was included for agent review and concurrence that would be recorded by the County to finalize the application.

Planning staff also noted in the letter that the agent submitted a payment of \$1,409.00 for four (4) unconditional certificates of compliance. The total fees required for one unconditional certificate of compliance were specified in the letter and it was noted that the applicant, Mr. Shears, was entitled to a partial refund.

Issue #4:

The appellant makes reference to the "official" County map. The appellant does not maintain that the map created anything. The appellant maintains that the map did recognize lots they believed had already been created and that existed and were subject to property taxation.

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The appellant makes a reference that in 1913, the County Board of Supervisors approved a county-wide map that displays many pre-1893 and subsequent tracts and therefore has recognized these tracts as creating separate legal parcels.

Response #4:

The County does possess a map that is currently hanging in the hallway by the previous location of the Board offices. This map is entitled: "Map of San Luis Obispo County, CA" and further indicates: "Compiled from Official Records for the Board of Supervisors by A.F. Parsons, County Surveyor, 1913. The map shows the Supervisorial Districts; inserts for the City of Paso Robles and San Luis Obispo; and also displays precincts and judicial townships. The subject property is reflected on this county map. This map display is a representation only created for assessment purposes and did not in and of itself create separate legal lots.

Conclusion:

The county can legally recognize one (1) legal parcel in the area being requested for four (4) unconditional certificates of compliance.

Staff is recommending that your Board deny the appeal and uphold the decision of the Planning Director by determining that the United States Survey Map did not in and of itself create four (4) separate legal lots. Proof of deeds separating each government lot and quarter quarter section from surrounding land to effectuate their creation is required and has not been provided. In order to be legally recognized, the government lots and quarter quarter section would have to be conveyed separately from surrounding lands.

OTHER AGENCY INVOLVEMENT

County Counsel

FINANCIAL CONSIDERATIONS

An appeal fee was collected in accordance with the county's fee schedule.

RESULTS / IMPACT

Denying the appeal and upholding the decision of the Planning Director will direct staff to approve and record one (1) unconditional certificate of compliance for government lots 3, 4 and 5, and the southeast quarter of the northwest quarter of Section 6, Township 27 South, Range 11 East together as one (1) legal parcel.

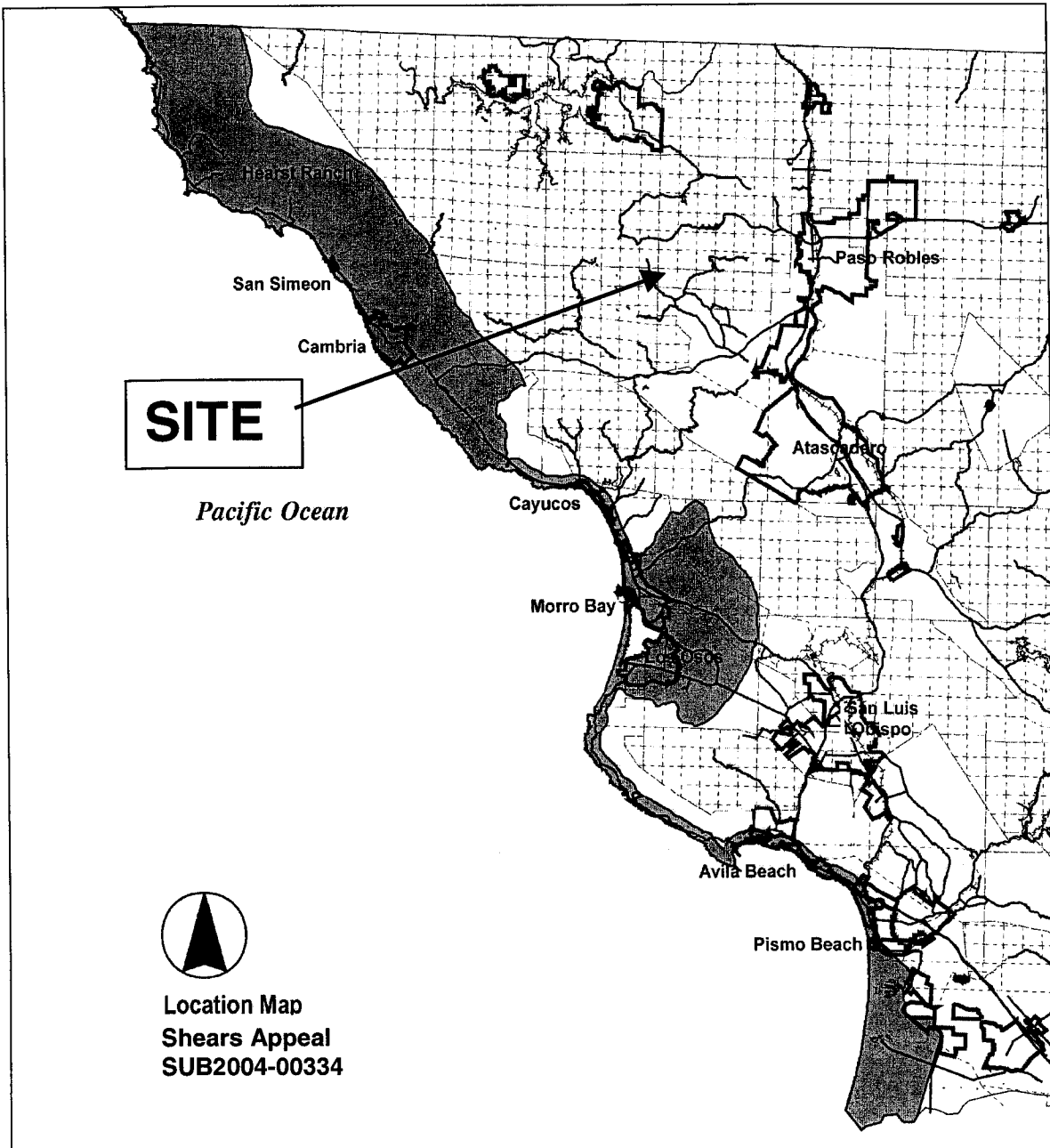
ATTACHMENTS

1. Graphics
 - A. Location Map
 - B. APN Map
 - C. Land Use Category Map
 - D. Aerial Photo
 - E. United States Survey Map of subject properties

2. Resolution with findings (Exhibit A) denying the appeal and upholding the decision of the Planning Director
3. Appeal letter submitted March 8, 2006 with attachments
4. Staff letter dated March 8, 2006
5. Letter dated March 4, 2006 from Fred Strong, F. Strong & Associates, submitted March 6, 2006
6. Staff letter dated February 21, 2006
7. 81 Ops. Atty. Gen. 144 (April 3, 1998)

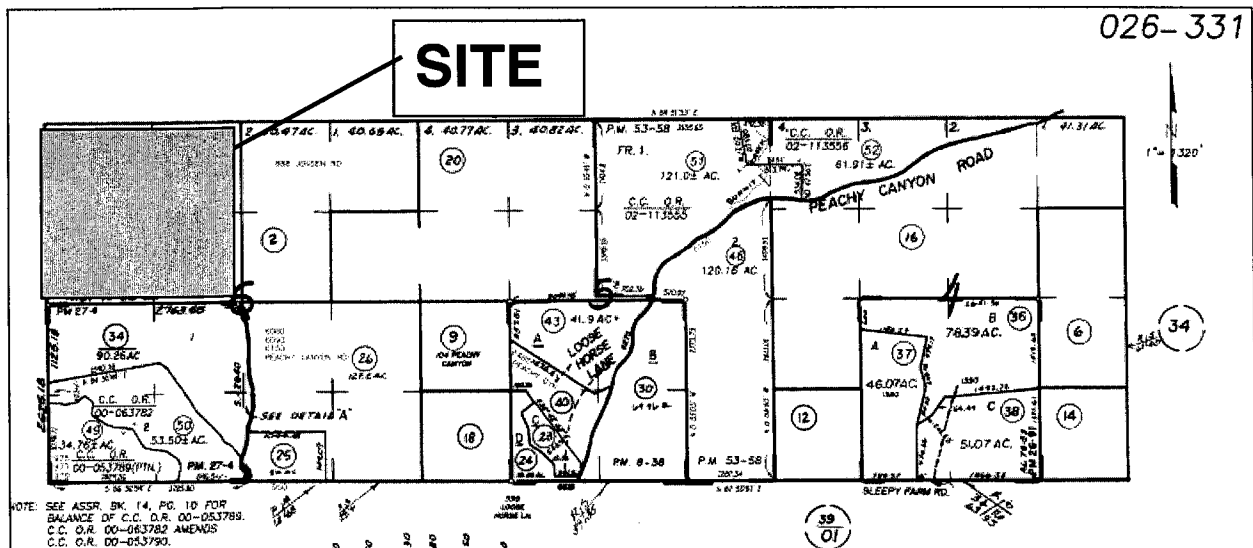
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Attachment 1-A Location Map

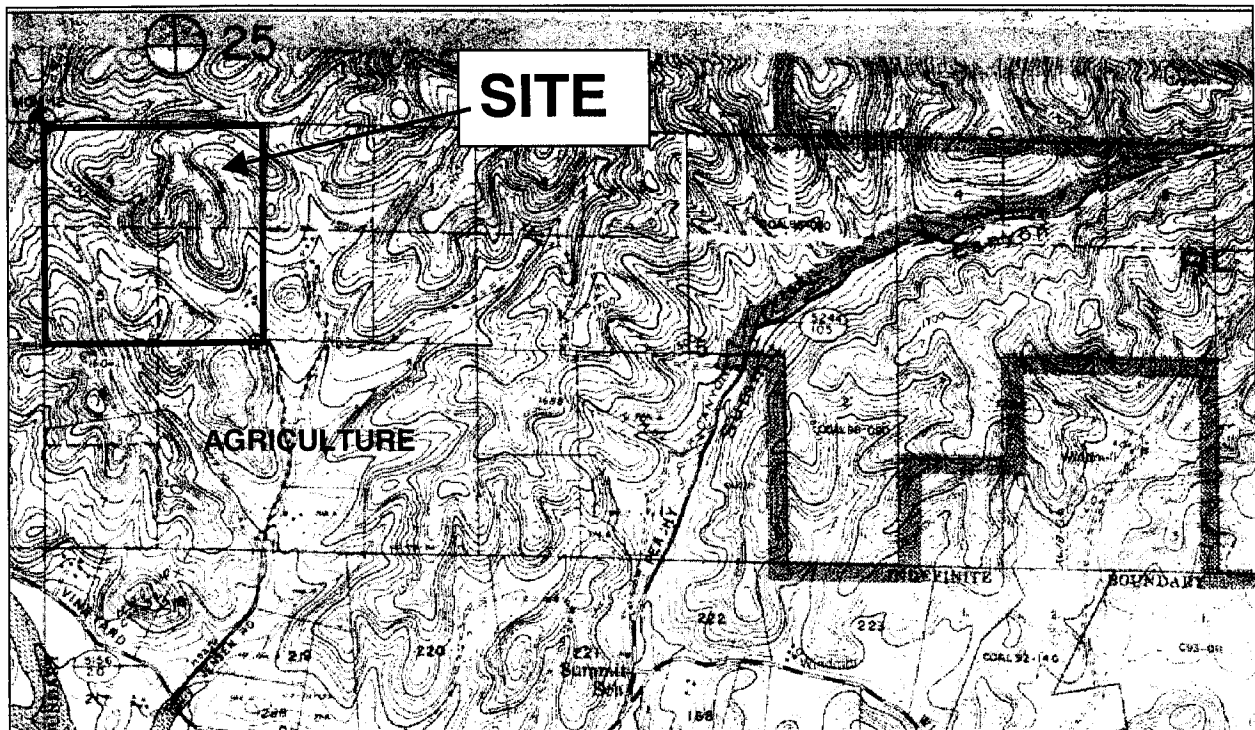


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Attachment 1-B APN Map

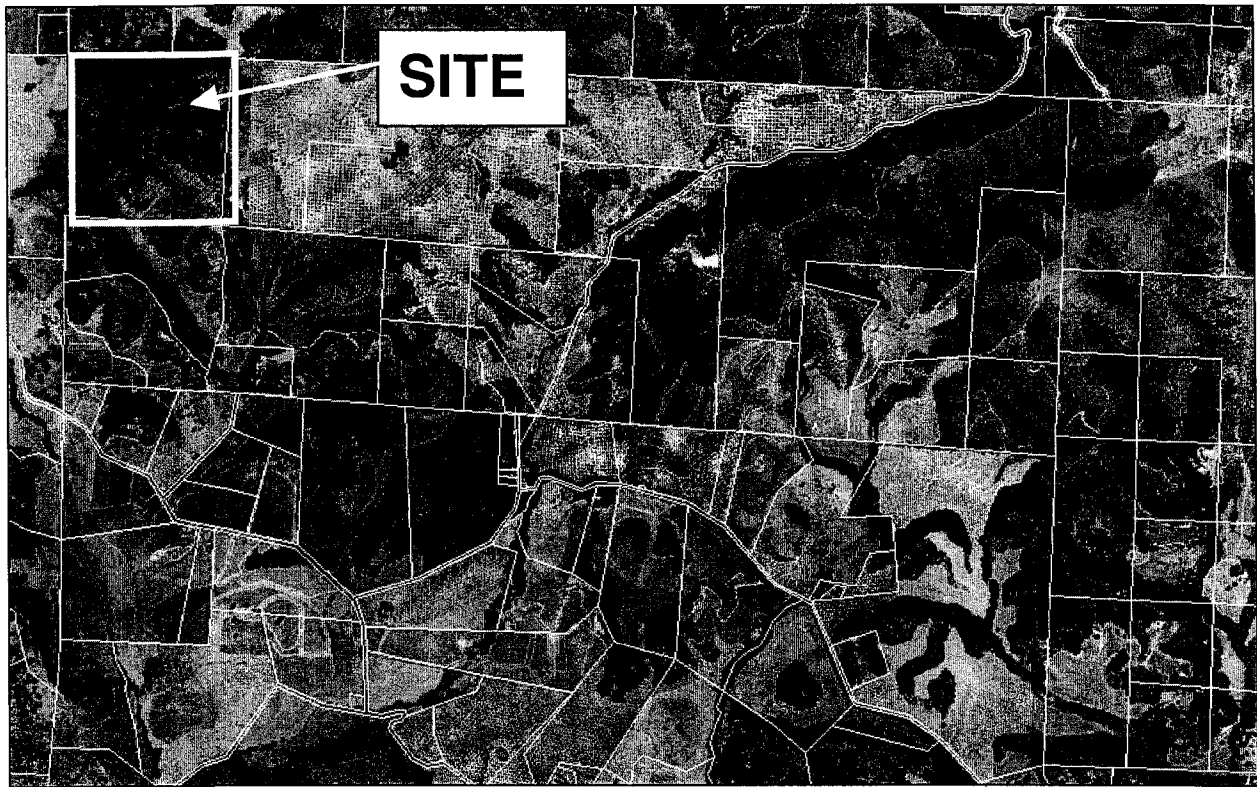


Attachment 1-C Land Use Category Map – Agriculture



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Attachment 1-D
Aerial Photo



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Township N° 27 North

Mount Diablo Meridian.

SITE

Lot N° 37

Part of Rancho Paso de Robles

Part of Rancho Asuncion

Survey Description	By Whom Surveyed	Date of Contract	Amount of Acres	When Surveyed
Township line containing the above-mentioned boundaries of Lot N° 37	J. E. Freeman	April 10 th 1855		1855
	B. M. Hillyer	July 25 th 1859		1859
	J. E. Terrell	Feb 15 th 1861		1861
	A. C. Mills	September 27 th 1869		1869
	J. R. Glover	September 12 th 1874		1875
		June 20 th 1874	19 - 15 - 66	November 1875

The above map of Township N° 27 South, Range N° 7 East, Mount Diablo Meridian, is strictly conformable to field notes of the surveys thereof on file in this office which have been examined and approved.

Surveyor General J. O. Pava.

Said Francisco Cortés Arana.

January 30th 1880.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE.
Washington, D. C., April 22, 1887.

I hereby certify that this is a true and correct copy of the plat of official survey of the same as filed in the land office.

J. And Kimball
Assistant General Land Officer

PATENT FILE

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Attachment 2
Resolution & Findings
Exhibit A

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

9th day May, 2006

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION DENYING THE APPEAL BY STEVEN T. SHEARS AND UPHOLDING
THE DECISION OF THE PLANNING DIRECTOR TO RECOGNIZE ONE LEGAL
PARCEL THROUGH THE ISSUANCE OF ONE UNCONDITIONAL CERTIFICATE OF
COMPLIANCE FOR APPLICATION SUB2004-00334 / C05-0110

The following resolution is hereby offered and read:

WHEREAS, on February 21, 2006, the Planning Director of the County of San Luis Obispo duly considered and determined that the properties qualified for one legal parcel in consideration of the application for four unconditional certificates of compliance and that the property under consideration could not be further processed without additional deeds to verify parcel legality for individual parcels; and

WHEREAS, Steven T. Shears has appealed the Planning Director's determination to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on May 9, 2006, and determination and decision was made on May 9, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Director should be upheld and that one unconditional certificate of compliance should be issued based upon the findings and determinations set forth below.

NOW, THEREFORE BE IT RESOLVED AND ORDERED, by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

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2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. That the appeal filed by Steven T. Shears is hereby denied and the decision of the Planning Director is upheld and that issuance of one unconditional certificate of compliance is hereby approved because the parcel has been verified through deed history.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:


Clerk of the Board of Supervisors

By: _____
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: April 25, 2006

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STATE OF CALIFORNIA,)
)
County of San Luis Obispo) ss

I, _____, County Clerk and ex-officio
Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of
California, do hereby certify the foregoing to be a full, true and correct copy of an order
made by the Board of Supervisors, as the same appears spread upon their minute
book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this
_____ day of _____, 2006.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

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EXHIBIT A
FINDINGS FOR DENYING THE APPEAL AND UPHOLDING THE DECISION
OF THE PLANNING DIRECTOR FOR STEVEN T. SHEARS
C05-0110 / SUB2004-00334

- A. Only properties that were transferred by deed and separated from surrounding land at a time when deeds could transfer property of the size conveyed can be recognized as legal parcels because the subject property is shown on a United States Survey Map. Case law has determined that a United States Survey Map does not establish a subdivision for purposes of the Subdivision Map Act. Each lot does not constitute a distinct legal parcel that a county must recognize for purposes of the Subdivision Map Act. If, however, the properties were subsequently deeded separately from surrounding land, the deeds could provide the evidence of separate legal parcels if the deeds were dated prior to 1972 for lots that are over forty acres in size. Staff requires proof of individual deeds separating each lot from surrounding land to effectuate their creation.
- B. The four (4) unconditional certificates of compliance requested in application C05-0110 rely on the configuration shown on the United States Survey Map as creating legal parcels. Since government lots 1, 2 and 3, and the southeast quarter of the northwest quarter of Section 6, Township 27 South, Range 11 East, were not deeded separately from other surrounding lots the applicant has not proven the existence of individual legal lots.
- C. Deed history/chain of title submitted with the appeal application verifies one (1) underlying legal parcel consisting of government lots 1, 2 and 3, and the southeast quarter of the northwest quarter of Section 6, Township 27 South, Range 11 East.

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Attachment 3
Appeal Letter - March 8, 2006

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SLO CNTY
PLANNING/BUILDING
DEPT

Inland Appeal Application

San Luis Obispo County Department of Planning and Building

PROJECT INFORMATION

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☐ Development Plan ☐ Variance
☐ Land Division ☐ Lot Line Adjustment ☐ Sending Site Determination ☒ Other Certificates of Compliance

File Number: C05-0110

The decision was made by:

- ☒ Planning Director ☐ Building Official ☐ TDC Review Committee ☐ Administrative Hearing Officer
☐ Subdivision Review Board ☐ Planning Commission ☐ Other _____

Date the application was acted on 2-21-06

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access ☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (attach additional sheets if necessary). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

Incorrect conclusion; failure to perform a ministerial function as mandated in State law; all statements and evidence submitted with the application; letter of March 4, 2006; additional supportive evidence included with this Appeal or to be submitted by the time of, or at, the hearing.

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (<u>attach additional sheets if necessary</u>)

APPELLANT INFORMATION

Print name: Fred Strong (agent)

Address: 1550 Creston Rd, Paso Robles, CA 93446 Phone Number (daytime): 238-5400

We have completed this form accurately and declare all statements made here are true.

[Signature]
Signature

3-8-06
Date

OFFICE USE ONLY	
Date Received: <u>3/8/06</u>	By: _____
Amount Paid: <u>604.00</u>	Receipt No. (if applicable): _____
Revised 7/31/01/ep	

[Signature]

**F. Strong & Associates
P.O. Box 3621
Paso Robles, CA 93447-3621
(805) 238-5400
fstrong@charter.net**

March 4, 2006

Victor Holanda, Director of the Department of Planning and Building
and Planner II Jo S. Manson
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

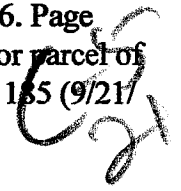
Dear Mr. Holanda and Ms Manson;

We do not accept your analysis regarding the four parcels contained in APN: 026-331-001; County File Number CO5-0110. We do NOT want a single Certificate of Compliance processed for these four lots, pieces and parcels of land on March 7 as indicated in your letter of February 21 which was received about a week later.

You have failed to note that there were four conveyances, one for each lot, piece or parcel described in 50 DDS 2 (10/17/1901); 97 DDS 345 (7/14/1913); 102 DDS 185 (9/21/1914), 105 DDS 219 (10/5/1915), and 105 OR 187 (1/28/1931). You merely referenced the similarity between the descriptions in the deeds and the description in the Patent. The Patent created one parcel. The subsequent conveyances created four lots, pieces and parcels. After the creation noted, subsequent deeds, easements etc. used the terms "all that real property", "real property" and "land" as was the custom and, none of which combined the four lots, pieces and parcels back into a single lot, piece or parcel. The four individual lots, pieces and parcels of property were created according to existing law by said conveyances whose descriptions specifically described them in a manner which individually identified them according to a recognized system which had a map of record which also identified them in a manner which allowed their recognition and identification.

Those maps were referenced in our application for this ministerial procedure which requires issuance of these certificates in accordance with State law, as also noted in the application. As was the custom then, and is the custom now, that single piece of paper filed and received as number CO5-0110 contained four lots, pieces or parcels of land. The fee you charged acknowledged that the single file number referred to and designated four separate lots, pieces and/or parcels of land for four Certificates of Compliance.

A reading of other deeds contained on the same pages as some of the referenced deeds in our application and to which you referred in your response dated February 21, 2006, shows a distinct difference. That difference is the difference between the written description of single lot, piece or parcel conveyance and a description of multiple conveyances of lots, pieces and/or parcels of land for recordation purposes. 97 DDS 345 (7/14/1913) contains one of our deeds which continues on page 346. Page 346 also contains a deed which clearly states that it is conveying "... that certain lot, piece or parcel of land ...", in other words it describes a single, rather than a multiple, conveyance. 102 DDS 185 (9/21/1914)



1914) contains one of our deeds which continues on page 186. Page 186 also contains a deed which clearly states that it is conveying "... that certain lot, piece or parcel of land ...", in other words it describes a single, rather than a multiple, conveyance. 105 DDS 219 (10/5/1915) contains one of our deeds which continues on page 220. Page 220 also contains a deed which clearly states that it is conveying "... that certain lot, piece or parcel of land ...", in other words it describes a single, rather than a multiple, conveyance.

There is no statute, no custom, and no case law that requires each individual lot, piece or parcel of land to have the record of its conveyance be described and recorded in a separate written document. In our application we presented multiple examples of each type of description of various numbers and amounts of conveyances. We even presented this to County Counsel before making our application and were told to proceed.

There are some who have become confused in this regard by a misquote of a previous case which took place in writing the opinion issued by the Court in the case of Gardner v County of Sonoma. The misquote regarded a decision which was rendered in Lakewood v County of Santa Clara [short form references used for brevity's sake]. Lakewood never said that individual "deeds" were required. Rather Lakewood said that individual conveyances with identifiable individual description must be present for the individual lot, piece or parcel to have been created and be recognized.

In Gardner the defendants were joined by government agencies and their related associations in an effort to achieve a political solution which could overturn State and Federal Constitutional protections for property rights which certain environmental lobbies believe have allowed the creation, in the past, of quantities of buildable lots, pieces and parcels which, in their view, endanger the ecology of some areas of California. Antiquated subdivisions in San Luis Obispo County were specifically mentioned, and the number of lots contained therein noted, in the brief filed.

However, that decision does not, nor can it, combine previously created lots regardless of their contiguity. The State Subdivision Map Act is extremely clear as to the procedures for combining lots. That procedure has not been followed in this case. These parcels were created in a manner recognized and specifically provided for in the Map Act as late as 1973. We noted the differences in the "official" County maps of the era. I am aware that County Counsel has at times represented that those maps were not "official" and did not "create" lots. We do not maintain that they created anything. We maintain that they did recognize lots that they believed had already been created and that existed and were subject to property taxation. The intent and belief of the governing body of the County is, we believe, too important and binding than to suffer its being struck down by the opinion of any member of the administrative or judicial branches of government who do not have direct access to those whose "intent" they are placing in doubt.

The intent of those who were parties to the conveyance of these lots, pieces and parcels of land is clear on its face. We respectfully request that you either reconsider your determination to not comply with the State mandate for this ministerial action or to set this matter for a quasi-judicial hearing on the subject before the Board of Supervisors, the official governing board of this jurisdiction.

With sincere regard for your good intentions,


Fred Strong

F. Strong and Associates

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GENERAL APPLICATION FORM

San Luis Obispo County Department of Planning and Building

File No COS-110

APPLICATION TYPE CHECK ALL THAT APPLY

- ☐ Public Lot ☐ Voluntary Merger ☒ Certificate of Compliance
☐ Parcel Map ☐ Tract Map ☐ Receiving Site
☐ Condominium (new or conversion) ☐ Road Abandonment
☐ Reversion to Acreage ☐ Reconsideration

- ☐ Lot Line Adjustment
☐ Sending Site
☐ Road Name

APPLICANT INFORMATION Check box for contact person assigned to this project

☒ Landowner Name STEVEN T. SHEARS Daytime Phone 2391587
Mailing Address 617 NICKERSON DR Zip 93446
Email Address: SHOSTEVE@PACBELL.NET

☒ Applicant Name Fred Strong Daytime Phone 238-5400
Mailing Address P.O. Box 3621, Paso Robles, CA Zip 93447-3621
Email Address: fstrong@charter.net

☒ Agent Name same as applicant Daytime Phone _____
Mailing Address _____ Zip _____
Email Address: _____

PROPERTY INFORMATION

Total Size of Site: 173.51 acres Assessor Parcel Number(s): 026-331-001
Legal Description: lots numbered 3, 4 and 5 plus the S.E. 1/4 of the NW 1/4 Sec 6, T 27S, R 11E, MDM
Address of the project (if known): 415425 Jensen Rd, Paso Robles, CA 93446
Directions to the site - describe first with name of road providing primary access to the site, then nearest roads, landmarks, etc.: Adelaida Rd. from G-14 to Vineyard turn left to Jensen Rd. (on the left), Jensen Rd. to four parcels
Describe current uses, existing structures, and other improvements and vegetation on the property: N/A Jensen Rd. (on the left) Jensen Rd. to four parcels.

PROPOSED PROJECT

Describe the proposed project (inc. size of all proposed parcels): Ministerial action verifying four existing units of land by means of an unconditional Certificate of Compliance.

LEGAL DECLARATION

I, the owner of record of this property have completed this form accurately and declare that all statement here are true. I do hereby grant official representatives of the county authorization to inspect the subject property.

Property owner signature [Signature] Date 3-17-05

FOR STAFF USE ONLY

Minimum Parcel Size: _____ ☐ sq. feet ☐ acres ☐ by PAS? ☐ by Ordinance?

65323

CONSENT OF LANDOWNER

San Luis Obispo County Department of Planning and Building File No _____

I (we) the undersigned owner of record of the fee interest in the parcel of land located at (print address): 4158425 Tenson Road identified as Assessor Parcel Number 026-331-001 for which a construction permit, land use permit, land division, general plan or ordinance amendment, or LAFCo application referral is being filed with the county requesting an approval for: certificates of compliance (4) (specify type of project, for example: addition to a single family residence; or general plan amendment), do hereby certify that:

1. Such application may be filed and processed with my (our) full consent, and that I (we) have authorized the agent named below to act as my (our) agent in all contacts with the county and to sign for all necessary permits in connection with this matter.

2. I (we) hereby grant consent to the County of San Luis Obispo, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the county, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their officers agents or employees if the other governmental entities are providing review, inspections and surveys to assist the county in processing this application. This consent will expire upon completion of the project.

3. If prior notice is required for an entry to survey or inspect the property. Please contact:

Print Name: Fred Strong

Daytime Telephone Number: (805) 238-5400 or cell (805) 801-4778

4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property _____

Person or entity granting consent:

Print Name: STEVEN T SHEARS

Print Address: 617 NICKERSON DR

Daytime Telephone Number: 239 1587

Signature of landowner: _____

Date: 3-17-05

Authorized agent:

Print Name: Fred Strong

Print Address: P.O. Box 3621, Paso Robles, CA 93447-3621

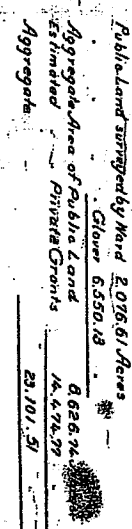
Daytime Telephone Number: (805) 238-5400 or cell (805) 801-4778

Signature of authorized agent: Fred Strong

Date: 3-15-05

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Handwritten: 25



CHAINS

And Kenneth
Secretary, General Land Office.

TESTS RITE

The above map of Township N 23 South, Range N 9 E, East, Mount Diablo Meridian is
 is strictly confidential to the field notes of the surveyors named on filing this Office,
 which have been examined and approved.
 Surveyor General's Office,
 San Francisco, California.
 January 30th 1886.

DEPARTMENT OF THE INTERIOR,
 GEOL. SURVEYING
 Washington, D. C., February 11, 1886.
 I have carefully examined the above copy
 of the survey notes of the surveyors named
 to which it relates, on file in this Office.

Chas. M. Wagner
 Survey Genl. Cal.

F. Strong & Associates
P.O. Box 3621
Paso Robles, CA 93447-3621
(805) 238-5400
fstrong@charter.net

County of San Luis Obispo
Planning Department
Certificate of Compliance Planner

This application involves four parcels created through subdivision by conveyance in 1901. If not considered carefully and with full consideration for all of the facts and case law already developed, this matter could become controversial. Since this is a ministerial act for unconditional certificates of compliance there is no need or requirement under State law for an environmental statement or report, plot plans, etc. this matter is merely a finding of fact and issuance of a certificate for four lots, parcels or pieces as required under the present Subdivision Map Act, Section 66499.35.

We are stating that the private owners reconveyed these units of land as individually described lots or units specifically worded in the conveyance to comply with the Subdivision Map Act, and local ordinances, in effect at the time of the creation and subsequent transfers.

Because the conveyance "description" calling out the individual parcels is identical to that found in the original Homestead/Patent I have seen Planning Departments, and County Counsel staff, in various jurisdictions initially "assume" that the request is based on either the Government Survey [which is only a recorded illustration and NOT a subdivision map] or the "Patent" and reject the request for certificates of compliance. It then usually takes months or years of discussions and historical tracking to undo the initial report. Rather than go through anything that could create a difference I would like to clarify these issues beforehand so that all parties understand what is being asked and why.

The total proof involves the various predecessor Map Acts, Official Map Act, early procedures, common law through boiler plate available and used at the time of deed drawing and conveyance and other specific statutes, ordinances and acts ... as well as various court decisions. Some of the court decisions relied upon by planners and County Counsels do not apply to this situation although they may appear to because, in part, of the misquoting of previous decisions in subsequent decisions.

Lot creation in California since its inception was done by Spanish Land Grant, later approved by the State of California and The United States of America, by government Patent, homestead, deed, lot splits, subdivisions and judicial decree. Prior to the Government survey which established the Meridian system and plat maps for each county in California, deeds were recorded in conjunction with a survey map or by metes and bounds descriptions. Since the recordation of the plat maps and their use as the base maps for assessing property taxes most deeds use the information contained on those maps as the basis for property descriptions. Many other deed descriptions, since the inception of the Subdivision Map Act, refer to recorded subdivision and parcel maps.

In his Amicus brief in *Gardner v County of Sonoma* (2003), Cal.4th, James S. Burling of the Pacific Legal Foundation noted, "When the Legislature adopted the first subdivision map act in 1893, it was following a tradition in the United States of codifying the established, but somewhat new, practice of subdividing land in order to facilitate land sales. The employment of the subdivision process in the 19th century served to avoid some of the problems inherent in strict reliance on surveys alone, which were often inherently inaccurate due to certain 19th century limitations. ...the purpose of the Act was to validate the existing practice of subdivision and to set certain minimum requirements for such subdivision."

The original 1893 Subdivision Map Act provides:

SECTION 1. Whenever any city, town, or subdivision of land into lots, or any addition to any city, town, or such subdivision, shall be laid out into lots for the purpose of sale, the proprietor or proprietors thereof shall cause to be made out an accurate map or plat thereof, particularly setting forth and describing:

First – All parcels of ground within such city, town, addition, or subdivision, reserved for public purposes, by their boundaries, courses, and extent, whether they be intended for avenues, streets, lanes, alleys, courts, commons, or other public uses; and,

Second – All lots intended for sale, either by number or letter and their precise length and width.

SECTION 2. Such map or plat shall be acknowledged by the proprietor, or if any incorporated company, by the chief officer thereof, before some officer authorized by law to take the acknowledgement of conveyances of real estate.

SECTION 3. The map or plat so made, acknowledged, [sic], and certified, shall be filed in the office of the County Recorder of the county in which the city, town, addition, or subdivision is situated....

Burling also states, "The history behind the early subdivision map acts makes it quite clear that their purpose had nothing to do with the modern concerns of land use control, but served an entirely different purpose – the facilitation of the division and sale of larger estates."

He notes, and I quote from, the United States Court of Appeals for the Fourth Circuit, in *Gardner v City of Baltimore Mayor* [4th Cir. 1992]:

"Subdivision regulations avoided these problems by requiring land developers to record in the local records office a 'plat,' or map, of the property. The plat, which contained precise dimensions, subdivided the land into blocks and lots and indicated the location of roads and parks. Once the plat was recorded, individual lots could then be conveyed by reference to the lot, block, and plat name, thereby avoiding the confusion inherent in the metes and bounds system." The same information was contained in a book published by the American Planning Association regarding subdivision map acts prior to 1928.

Burling made it clear that when assessing the validity of early lot and parcel creation the laws were concerned with clarity of definition and location and not the modern concerns of orderly planning and development. Modern day concerns have no place in decisions about the validity of pre-1928 creations.

The California Political Code of 1850 in Sec. 3657 stated, "Lands once described on the assessment book need not be described a second time ..." It also required the Board of Supervisors of every county to provide the maps for the Assessor's use at their own cost. These maps were required to show all private land holdings and "if surveyed under the authority of the United States, the divisions and subdivisions of the survey..." Section 3973 stated, "All surveys and maps of boundary lines heretofore legally made and approved are declared valid, and they are primary evidence of the establishment of such lines, except so far as they are inconsistent with the provisions of this Code."

In the Statutes of California Chapter 282, Section 3658a, approved March 25, 1903, made the Assessor's maps of the counties the official maps and stated, "...it shall be lawful and sufficient to describe such lots or blocks in any deeds, conveyances, contracts, or obligations affecting any such lots or blocks as designated on such official map, a reference to such map sufficient for the identification thereof being coupled with such description."

In the case most heavily relied upon some County Counsels in opposing this type of request, *Gardner v County of Sonoma*, many interesting points were made which are favorable to our position.

The Amicus brief files by M. Thomas Jacobson on behalf of clients including the American Planning Association gave the greatest impetus to a politicalization of the appellate process. The brief raised fears that allowing antiquated subdivision lots to be recognized would create havoc with the current planning process and the environment. It argued in favor of the regulatory nature of modern Subdivision Map Acts but failed to adequately challenge the legality, in its proper historic context, of the issue before the court.

The renowned Daniel J. Curtin, Jr. joined Robert E. Merritt and Geoffrey L. Robinson in the Amicus brief on behalf of the California Association of Counties and participating cities brought tremendous weight to the political argument against opening the door to recognizing "...more than 400,000 lots statewide,".

However, that brief also outlined some serious facts worthy of consideration. Concerning 19th century maps it stated: "These early maps were filed to facilitate later land conveyance. Like the U.S. Survey Map and town plats of their time ... The maps were not binding, even after their recordation, and property owners remained free to disregard them and use other tools for property descriptions as they desired."

The brief goes on to say, "Where a map was recorded, it could provide a ready legal description for incorporation by reference into the deed. Reference might be made to one or more lots ... or simply to isolated monuments and survey lines. ... If a deed then conveyed the lot separately from the adjoining land, the deed created a new parcel ... [reference to Lakeview Meadows Ranch v. County of Santa Clara (1994)] ... Otherwise, the property remained undivided. An accurate map was helpful to the conveyance transaction, but was not sufficient in itself for parcel creation."

In the *Daily Appellate Report*, August 12, 1994, the Lakeview Meadows v. County of Santa Clara (1994) was analyzed. The report refers to Taft v. Advisory Agency and notes, "The appellate court held that U.S. Survey Maps do not 'subdivide' land or 'create' lots within the meaning of the Subdivision Map Act." It goes on further to say, "Hence, land is 'subdivided' when one unit is separated from the contiguous units surrounding it.."

The Curtin brief makes this clear by stating, "The property owner retained complete discretion to deed parcels or lots in any way he or she desired without need for recording new maps or taking any other steps to merge or resubdivide the paper 'subdivision.'"

However, Gardner v Sonoma County is frequently quoted in attempting to deny the issuance of Certificates of Compliance for multiple lots, pieces and parcels contained in a single deed and in common ownership. This is based primarily upon one statement in the Amicus brief. That statement [with emphasis and highlighting added] is:

The courts of the time recognized that private subdivision maps could be useful for

*property description in deed conveyances. Where a map was recorded, it could provide a ready legal description for incorporation by reference into the deed. Reference might be made to **one or more lots** [see, e.g., 1 CT 220-225.], or simply to isolated monuments and survey lines [see, e.g., 1 CT 227-230]. If **a deed** then conveyed the lot separately from the adjoining land, **the deed** created a new parcel. [See Lakeview Meadows Ranch v. County of Santa Clara (1994) 27 Cal. App. 4th 593, 598 (creation of parcels by conveyance prior to 1893.)] Otherwise, the property remained undivided. An accurate map was helpful to the conveyance transaction, but was not sufficient in itself for parcel creation.*

The concept of a single deed being required for each parcel thus created was born in this language. However, that is **not** what the referenced Lakeview Meadows Ranch v. County of Santa Clara decision stated.

Lakeview has three sections of the decision which interact to clarify the intent of the decision which was **not** as represented in the Gardner Amicus brief.

Lakeview [Daily Appellate Report, Friday, August 12, 1994, page 11191] (emphasis and/or highlighting added):

“Absent the express written statement of the grantor contained therein, the consolidation of **separate and distinct legal descriptions of real property** contained in **one or more deeds ... patents ... or other instruments of conveyance** or security documents, into a subsequent single deed ... does not operate in any manner to alter or affect the separate and distinct nature of the real property so described in the subsequent single instrument of conveyance ...” (Civ. Code, 1093.)

This language clearly states that **deeds and patents are instruments** of conveyance they are not the conveyance itself. It also states that **separate descriptions** of property can be contained in **ONE** or more deeds **thereby creating individual conveyance of each** separately described segment of real property. It also states that subsequent conveyance of separate parcels as a single unit do NOT recreate them as a single unit unless EXPRESSLY STATED IN WRITING. Therefore, the court has recognized INTENT of the conveyance(s) as paramount in determining the creation and existence of parcels, lots and pieces of real property.

The Patent/Homestead creation of Lots 3, 4 and 5 and the Southwest quarter of the Northwest quarter of Section 6 in Township 27 South, Range 11 East, MDM on April 20, 1892, was the creation of a single parcel to Albert Griggs BECAUSE it CLEARLY states it is the conveyance of “... the tract of land above described.” It is a singular conveyance “the tract” NOT “those tracts”. The language and, therefore, the convey

ance is singular.

On October 17, 1901, the Patent/Homestead holder conveyed three lots and a parcel of land contained within the original Patent/Homestead to Herbet Horne and the conveyance instrument was recorded on October 23, 1901. The instrument was a single deed which clearly describes each of the conveyances as "... those certain lots, pieces or parcels of land ..." and individually identifies them in a manner which is clear and concise. It further refers to the total acreage thereof as described in the original Patent.

Lakeview [Daily Appellate Report, Friday, August 12, 1994, page 11190] (emphasis and/or highlighting added) states:

"Subdivision means the division ... of any unit or units of improved or unimproved land ... for the purpose of sale, lease or financing ..." (Govt. Code, 66424.) Hence land is "subdivided" when one unit is separated from the contiguous units surrounding it.

Remember that the conveyance, as described in Lakeview, is the separate description combined with intent in a single deed or multiple deeds. Conveyance creates the separation. Each of these units of real estate was therefore subdivided into its separate and distinct existence by the deed drawn and executed on October 17, 1901.

[See elsewhere in this documentation the description of boiler plate in existence at this time which made CLEAR distinctions between conveyance of a single unit of real estate or multiple units of real estate in a single instrument of conveyance or deed.]

Further, Lakeview [Daily Appellate Report, Friday, August 12, 1994, page 11190] (emphasis and/or highlighting added) states:

The County asserts that the three separate parcels at issue herein were "merged" with contiguous land by reason of common ownership sometime prior to plaintiff's acquisition of title. This contention is addressed by Government Code section 66451.10. "[T]wo or more contiguous parcels or units of land which have been created under the provisions of this division, or any prior law regulating the division of land, or a local ordinance enacted pursuant thereto, or which were not subject to those provisions at the time of their creation, shall not be deemed merged by virtue of the fact that the contiguous parcels or units are held by the same owner. ..." (Govt. Code 66451.10.)

Common ownership does not bar subdivision nor does it merge parcels. These units were created in accordance with all elements of creation enumerated in the Lakeview decision. Just as a subdivision created in present law is frequently in single ownership at the time of creation and remains in single ownership until any portion thereof is conveyed in a conveyance containing one or more units contained therein to one or more persons which result in different owners of portions of the subdivision, this subdivision created in

1901 has conveyed the subdivision containing each separate and distinctly described unit thereof to successive owners. Any individually described unit within the subdivision may subsequently be conveyed thereafter.

The "principle" believed by many to have been articulated by Gardner of one deed one lot does not exist. It is based on a misquote or mis-interpretation of a previous decision.

In recently discussing this with Chief Assistant Santa Barbara County Counsel Alan Seltzer, whose credentials include participation in the "Curtin" Amicus brief in Gardner, interest was expressed in the "intent" as shown by distinct language viewpoint but he was unwilling to alter his opinion without looking into it further.

The creating deeds not only use the **description** of Lots "and" another described unit of land but **ALSO** a statement that they are **CONVEYING** "lots, parcels and pieces" of described land. This **IS** significant because other deeds in **California in that time period conveyed different land** by stating that they were **CONVEYING** "this lot, parcel and piece" **ALL IN THE SINGULAR**. The **CHOICE** to use the plural in the creation by conveyance and recordation, in conjunction with an existing map of record, of the three lots and other unit of land before you in this application was totally and completely within the custom and laws of that time. The lots and parcels were conveyed separately, by language and definition, in deeds which conveyed more than one lot, parcel or piece of land simultaneously.

Creations of 40 acres or more in simultaneous creations of four or less lots, parcels or pieces per creation were consistent with State law until 1972, absent a local ordinance to the contrary, prior to that date. All of these individual lots, parcels and pieces meet that test.

Further evidence that the County of San Luis Obispo shared the viewpoint expressed in this submittal at the time of the original subdivision by deed in 1901 is present in the County's "official" maps prior to and subsequent to this subdivision. In 1850 the State of California required each county to have an Official Map. The County Surveyor was ordered to create such a map for San Luis Obispo County by the Board of Supervisors. In **September 1874** the Board of Supervisors received a proposed map from County Surveyor R. R. Harris who stated that he had compiled the map from actual surveys. The Board of Supervisors passed a resolution at that time approving and declaring the said map to be the Official Map of San Luis Obispo County. **These units of land are not shown on that map.**

The next map ordered by the Board of Supervisors was the map by A.F. Parsons, County Surveyor, compiled from Official Records in 1913. It was approved and accepted by the action of the Board of Supervisors on **July 11, 1913**. The subdivision creating these par-

cels had been accomplished and recorded on October 23, 1901, and **they are shown on this map.**

In 1933 the Board of Supervisors hired Burch & Beck Civil Engineering firm to draw a new, updated map. That map was approved and accepted by the Board of Supervisors by appropriate action on August 24, 1933. **The parcels in this subdivison are shown on that map.**

This is further evidence that the County tracked and recorded creation of new parcels and maintained a reference map for purposes of identification of lands which could be conveyed by descriptions keyed to recorded and/or "official" maps. Every map approved and accepted by the Board of Supervisors was signed by every member of the Board of Supervisors and the County Clerk or Deputy County Clerk as well as showing on its face the date of the Board's action.

In their Amicus brief Curtin and his associates walked us through history: "With the 1907 Act, came the first 'grandfather' clause, which provided in pertinent part:

No person shall sell or offer for sale any lot or parcel of land, by reference to any map or plat, unless such map or plat has been made, certified, endorsed, acknowledged and filed in all respects as provided in this Act, or was filed or recorded prior to the taking effect of this Act and in accordance with the laws in force at the time it was so filed or recorded.'

This grandfather provision did not change the character of the earlier recorded maps; these maps remained descriptive tools for individual sales. Thus while the grandfather clause recognized individual transactions made by reference to those maps, it gave no recognition to unsold lots drawn on paper subdivisions.

However, there was still a lot of controversy surrounding lot creations and technicalities regarding subdivisions. By 1925 it became necessary for the California Legislature to act once again. It passed Chapter 298 of the Political Code which was approved by the Governor on May 20, 1925. That Chapter forgave mistakes in form and content and validated nearly all maps previously recorded.

The brief by Curtin and his associates further stated:

In 1929, the California Legislature enacted a comprehensive planning law and substantially revised the Act. ... [references]...Enacted as companion measures, these two new laws established a new framework for local land use regulation. The planning law provided for the establishment of local planning commissions and the development of 'master plans' by local governments to 'conserve and promote the public health, safety and general welfare.' [reference]

For the first time, the Map Act required, with limited exceptions, the recordation of a

map prior to the sale of five or more parcels.

The conveyances in question only conveyed four units of real estate. The parcels and lots in question in this matter met the requirements of the law at the time they were created as well as some of the later laws enacted. Subsequent laws further validated them and grandfathered them into the system. The obvious intent of many of the landowners was to convey these lots and parcels as individual lots and parcels within single deeds and they did so convey them. The conveyances of fewer than five parcels with reference maps already recorded [as the plat maps of the county] constituted legal subdivisions, which must be recognized today.

This does not mean that every lot and parcel shown on the Government Plat maps is necessarily a legal, individual lot or parcel. Each lot and parcel so created must still meet the requirements laid down in law at the time of their creation and/or be grandfathered into the current law.

Support material is appended to this letter of description and explanation.

I respectfully request the issuance of this Certificate of Compliance containing four validated units of real estate.

This application has been discussed with County Counsel in advance of submittal and this letter of explanation is included at County Counsel's suggestion and request.

Sincerely yours,

Fred Strong,
Land Use Consultant
Applicant and land owners' representative

Please note that [highlighted in yellow] in the Lakeview Meadows Ranch decision the word “deed” is consistently used as a document containing language which describes facts or actions. The act which determines individual or multiple lots, pieces or parcels is described as “conveyance(s)”, “convey”, “conveyed”, etc.

The deed is a recordable instrument which allows a public record of what was done in the conveyance. It is a conveyance document. It is not the conveyance itself.

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REAL PROPERTY

*Separation of Parcel From Contiguous
Parcels By Federal Patent Creates Lawful
Subdivision of Land.*

Cite as 94 Daily Journal D.A.R. 11189

LAKEVIEW MEADOWS RANCH,
Plaintiff and Respondent,

v.

COUNTY OF SANTA CLARA,
Defendant and Appellant.No. H011152
(Santa Clara County
Superior Court No. 721725)
California Court of Appeal
Sixth Appellate District
Filed August 10, 1994

Plaintiff acquired title to thousands of acres of ranchland in southern Santa Clara County in 1965. Though not separately described in the deed, the three parcels at issue herein were part of the land included in this 1965 grant deed, and the deed did not purport to merge the separate and distinct individual parcels within the deeded property. In 1991, plaintiff applied for certificates of compliance with the Subdivision Map Act pursuant to Government Code section 66499.35 for a number of parcels including the three at issue herein. These three parcels were designated as parcel 4903, parcel 4909 and parcel 4911. Defendant County of Santa Clara (hereafter the County) denied these three applications. Plaintiff then petitioned for a writ of mandate from the superior court. The superior court issued an alternative writ, and the County filed an answer in which it admitted that two of the three parcels had been created prior to 1893. Plaintiff's petition was granted, and judgment was entered directing the issuance of a peremptory writ of mandate. A writ of mandate issued commanding the County to issue certificates of compliance for the three parcels. The County appeals. For the reasons expressed below, we affirm the judgment.

ANALYSIS

A. PRE-1893 CREATION OF PARCELS

The County concedes that parcel 4909 and parcel 4911 were originally created prior to the 1893 enactment of regulations governing the subdivision of land. Parcel 4909 "was created by deed from individuals named Murphy to individuals named Ashworth dated January 3, 1882 Parcel 4911 was originally part of a patent to Southern Pacific Railroad (SP) and was subsequently deeded by SP to one of plaintiff's predecessors in title on January 16, 1892. However, the creation of parcel

"created by a patent from the United States of America to Southern Pacific Railroad dated October 7, 1891." The County denied this allegation in its answer. The trial court implicitly found that parcel 4903 had been created by the 1891 federal patent. The County claims that this finding was erroneous as a matter of law. We do not agree.

The record contains both the 1891 federal patent by which SP acquired title to parcel 4903 and a map showing where parcel 4903 was located on the federal survey map, to which the federal patent refers. Federal survey maps were prepared to facilitate the conveyance of land after California achieved statehood. (*John Taft Corp. v. Advisory Agency* (1984) 161 CalApp.3d 749, 754.) The survey established a grid system oriented to north and south meridians and utilized six-mile square townships as its basic building blocks. [9] The townships are divided into 36 sections, each theoretically 1 mile square." (*Ibid.*; 43 U.S.C. § 751.) These sections are laid out on federal survey maps. Parcel 4903 is an approximately 40 acre lot in the southeast corner of section 15 of Township Nine, Range Four." The 1891 federal patent by which SP acquired parcel 4903 specifically identifies this lot as lot 16 of section 15 of Township Nine, Range Four." Although the 1891 federal patent also conveyed numerous other parcels to SP, none of these other parcels are contiguous to parcel 4903. The only other parcels in Township Nine, Range Four" which were conveyed by this 1891 federal patent to SP were portions of sections 1 and 11 and all of sections 13, 24, 25 and 27. The only sections of Township Nine, Range Four" which are contiguous to parcel 4903 are sections 14, 15, 22 and 23.

Relying primarily on *Taft*, the County argues that parcel 4903 was not "created" or "subdivided" by the 1891 federal patent which conveyed title to parcel 4903 to SP. The County's reliance on *Taft* is misplaced as *Taft* has no application to the facts of this case. The issue in *Taft* was whether a U.S. Survey Map "subdivided" land for Subdivision Map Act purposes. (*Taft* at p. 751.) The three contiguous "lots" at issue in *Taft* were identified by township, section and lot numbers on a U.S. Survey Map in 1878. These three "lots" were subsequently conveyed by reference to the U.S. Survey Map. (*Id.* at p. 751.) The three "lots" were always conveyed as a group until *Taft* acquired them. (*Id.* at p. 752.) After acquiring title to these three "lots", *Taft* separately conveyed first one lot and then another to a third party. It retained the third lot. The County Advisory Board claimed that *Taft's* conveyances were illegal because they did not comply with the Subdivision Map Act. (*Id.* at p. 752.) The only issue discussed on appeal was whether the U.S. Survey Map had "subdivided" the land into separate lots. "[U]nless the conveyances were exempt because the lots were established as separate parcels by the U.S. Survey Map filed in 1878, each conveyance constituted an illegal subdivision by *Taft*." (*Id.* at p. 753.) The appellate court held that U.S. Survey Maps do not "subdivide" land or "create" lots within the meaning of the Subdivision Map Act. (*Id.* at pp. 753-756.)

Taft is inapposite here because plaintiff did not

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Plaintiff alleged and proved that parcel 4903 was "created" when it was separated from the other units of land with which it was contiguous by the 1891 federal patent which conveyed title to parcel 4903 to SP. "Subdivision" means the division . . . of any unit or units of improved or unimproved land . . . for the purpose of sale, lease or financing . . . (Govt. Code, § 66424.) Hence, land is "subdivided" when one unit is separated from the contiguous units surrounding it. Because the federal patent which conveyed parcel 4903 to SP did not convey any of the contiguous parcels surrounding parcel 4903 to SP, this conveyance was a "subdivision" of land which "created" parcel 4903 as a separate lot. Accordingly, parcel 4903 was created by a lawful subdivision of land in 1891.

B. PLAINTIFF'S ENTITLEMENT TO CERTIFICATES OF COMPLIANCE

"Any person owning real property . . . may request, and a local agency shall determine, whether the real property complies with the provisions of [the Subdivision Map Act] and of local ordinances enacted pursuant thereto. Upon making the determination, the city or the county shall cause a certificate of compliance to be filed . . ." (Govt. Code, § 66499.35, subd. (a), *emphasis added*.) "If a local agency determines that the real property does not comply with the provisions of [the Subdivision Map Act] or of local ordinances enacted pursuant thereto, it shall issue a certificate of compliance or a conditional certificate of compliance. A local agency may, as a condition to granting a certificate of compliance, impose any conditions which would have been applicable to the division of the property at the time the applicant acquired his or her interest therein, and which had been established at that time by [the Subdivision Map Act] or local ordinance enacted pursuant thereto . . ." (Govt. Code, § 66499.35, subd. (b), *emphasis added*.)

The County claimed below that it was not required to issue certificates of compliance for the three parcels because the parcels did not meet the requirements of the Subdivision Map Act. They repeat this claim on appeal. The Subdivision Map Act (hereafter the SMA) regulates the subdivision of real property. Under the provisions of the SMA, land cannot be subdivided without obtaining local agency approval of a parcel map which meets the requirements of the SMA and any local ordinances. (Govt. Code, §§ 66458, subd. (a), 66499.30, subds. (a), (b) and (c).) To enforce this rule, the SMA prohibits the sale, lease or financing of parcels unless the requirements of the SMA have been met for that parcel. However, these requirements "do not apply to any parcel or parcels of a subdivision . . . sold . . . in compliance with or exempt from any law (including a local ordinance), regulating the design and improvement of subdivisions in effect at the time the subdivision was established." (Govt. Code, § 66499.30, subd. (d).)

The County claims that the SMA's exemption of parcels "in compliance with or exempt from any law . . . regulating the design and improvement of subdivisions in effect at the time the subdivision was established" does not exempt from the SMA

parcels created prior to the 1893 enactment of California's first subdivision law.² According to the County, plaintiff's parcels could not have been "in compliance with or exempt from any law . . . in effect at the time" of their creation because there were no laws regulating the creation of subdivisions at the time of the pre-1893 creation of these three parcels. The County's interpretation of this language is at odds with the California Supreme Court's interpretation of similar language in Government Code section 66451.10, subdivision (a). That statute provides that contiguous parcels are not automatically merged by virtue of common ownership, if the parcels were "created under the provisions of [the SMA] or any prior law regulating the division of land, or a local ordinance enacted pursuant thereto, or . . . were not subject to those provisions at the time of their creation . . ." In *Morchart v. County of Santa Barbara* (1994) 7 Cal.4th 725, the California Supreme Court construed the "not subject to" language in Government Code section 66451.10, subdivision (a) to extend to parcels created before 1893 when there were no laws regulating subdivisions. (*Morchart* at pp. 761-762.)

The County tries to draw a distinction between parcels "exempt from any law" regulating subdivisions and parcels "not subject to" the provisions of any laws regulating subdivisions. However, we are unable to find any basis for this distinction. "Exempt" and "not subject to" have essentially the same meaning, and it is readily apparent that both statutes were enacted to preserve the validity of lawfully created parcels. Plaintiff's parcels were "lawfully created." "For purposes of [the SMA] or of a local ordinance enacted pursuant thereto, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if at the time of the creation of the parcel there was compliance with any local ordinance or there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels." (Govt. Code, § 66412.6, subd. (a), *italics added*.) As the three parcels herein at issue were created prior to the 1893 enactment of any laws regulating the creation of subdivisions, the conclusive presumption of Government Code section 66412.6, subdivision (a) applies, and we must presume that these three parcels were "lawfully created." Government Code section 66499.30, subdivision (d) excludes such parcels from compliance with the SMA.

The County also asserts that the three separate parcels at issue herein were "merged" with contiguous land by reason of common ownership sometime prior to plaintiff's acquisition of title. This contention is addressed by Government Code section 66451.10. "[T]wo or more contiguous parcels or units of land which have been created under the provisions of this division, or any prior law regulating the division of land, or a local ordinance enacted pursuant thereto, or which were not subject to those provisions at the time of their creation, shall not be deemed merged by virtue of the fact that the contiguous parcels or units are held by the same owner . . ." (Govt. Code, § 66451.10.) If, when the parcels were created, no land division provisions were in existence, the parcels necessarily

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were not subject to those provisions at the time of their creation." (*Morehart v. County of Santa Barbara*, *supra*, 7 Cal.4th at p. 761.) Plaintiff's three parcels were created prior to the enactment of any land-division regulations. Hence, under Government Code section 66451.10, common ownership of these parcels and contiguous land did not result in merger.

Furthermore, the record contains no evidence that anything other than common ownership could have resulted in merger of these three parcels with contiguous land. "Absent the express written statement of the grantor contained therein, the consolidation of separate and distinct legal descriptions of real property contained in one or more deeds . . . patents . . . or other instruments of conveyance or security documents, into a subsequent single deed . . . does not operate in any manner to alter or affect the separate and distinct nature of the real property so described in the subsequent single instrument of conveyance . . ." (Civ. Code, § 1093.) There was no evidence of any such statement in any prior deed in the chain of title to these parcels. The 1965 deed does not contain such a statement.

As the three parcels were lawfully created prior to the enactment of any laws governing subdivision of land and the parcels did not subsequently merge with other contiguous land, the parcels are exempt from the requirements of the SMA, and plaintiff was entitled to certificates of compliance as a matter of law.

CONCLUSION

The judgment is affirmed.

Mihara, J.

WE CONCUR:

Premo, Acting P.J.
Wunderlich, J.

1. The Subdivision Map Act is Division 2 of Title 7 of the Government Code. (Govt. Code, § 66410.)

2. California's first subdivision map statute was enacted in 1893. (*Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 761.)

Trial Court:

Santa Clara County Superior Court

Trial Judge:

Hon. William F. Martin

Attorneys for Appellant:

Steven M. Woodside
County Counsel

James E. Lewis
Deputy County Counsel

Attorney for Respondent:

James P. Corn

NOSSAMAN, GUTHNER, KNOX
& ELLIOTT

CRIMINAL LAW AND PROCEDURE

Refusal to Initiate Civil Commitment Proceedings Without Statement of Reasons Is Erroneous But Not Prejudicial.

Cite as 94 Daily Journal D.A.R. 11191

THE PEOPLE,

Plaintiff and Respondent.

v.

RAYMOND EDWARD McLEMORE,
Defendant and Appellant.

Nos. A061915 & A061916

(Super Court Nos.

923202-6 & 923203-4

Contra Costa County)

California Court of Appeal

First Appellate District

Division Three

Filed August 10, 1994

A jury found Raymond Edward McLemore guilty of the sale of cocaine. (Health & Saf. Code, § 11352, subd. (a).) A separate jury found him guilty of petty theft. (Pen. Code, § 484.) In a bifurcated proceeding the court found he had suffered prior convictions for theft. (Pen. Code, § 666.) Defendant was sentenced on both convictions simultaneously. Defendant appealed from both judgments and this court granted his motion to consolidate the cases on appeal. We affirm the judgments.

FACTS

Sale of Cocaine

At approximately 5 p.m. on May 7, 1992, narcotics detectives Avon Doble and Mitchell Petxoto of the Richmond Police Department were driving in an undercover van on Fourth Street in Richmond.

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APPENDIX A

Examples of boilerplate with distinct choices

The first four examples include fill in the blanks boilerplate which was in general use at the turn of the century and well into the first decades of the 20th Century to convey multiple units of land in a single recordable instrument of conveyance. Note the language choice of "those certain lots, pieces or parcels of land":

1. Fill in the blanks for multiple units conveyance executed in Santa Clara County in 1894.
2. Fill in the blanks for multiple units conveyance executed in Contra Costs County in 1907.
3. Multiple units conveyance using boilerplate language executed in San Luis Obispo County in 1911.
4. Multiple units conveyance using boilerplate language executed in Santa Clara County in 1920.

The next four examples include fill in the blanks boilerplate which was in general use at the turn of the century and well into the first decades of the 20th Century to convey an individual unit of land in a single recordable instrument of conveyance. Note the language choice of "that certain lot, piece or parcel of land":

1. Fill in the blanks for single unit conveyance using boilerplate language executed in San Benito County in 1897.
2. Fill in the blanks for single unit conveyance using boilerplate language executed in San Luis Obispo County in 1900.
3. Single unit of land conveyance using boilerplate language executred in Santa Clara County in 1909.
4. Single unit of land conveyance using boilerplate language executred in San Luis Obispo County in 1909.

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Explanation of Maps 1 and 2

Map 1:

This map shows the location in County records and the year of recordation of deeds transferring more than one lot and or parcel in a single deed by specific language.

In every case, except one, the language specifically CHOSEN and used was: "all those certain lots, pieces or parcels of land". In the one exception [Book 102 of Deeds, Page 356, the language used was: "all those certain lots, pieces or parcels or tracts of land".

Map 2:

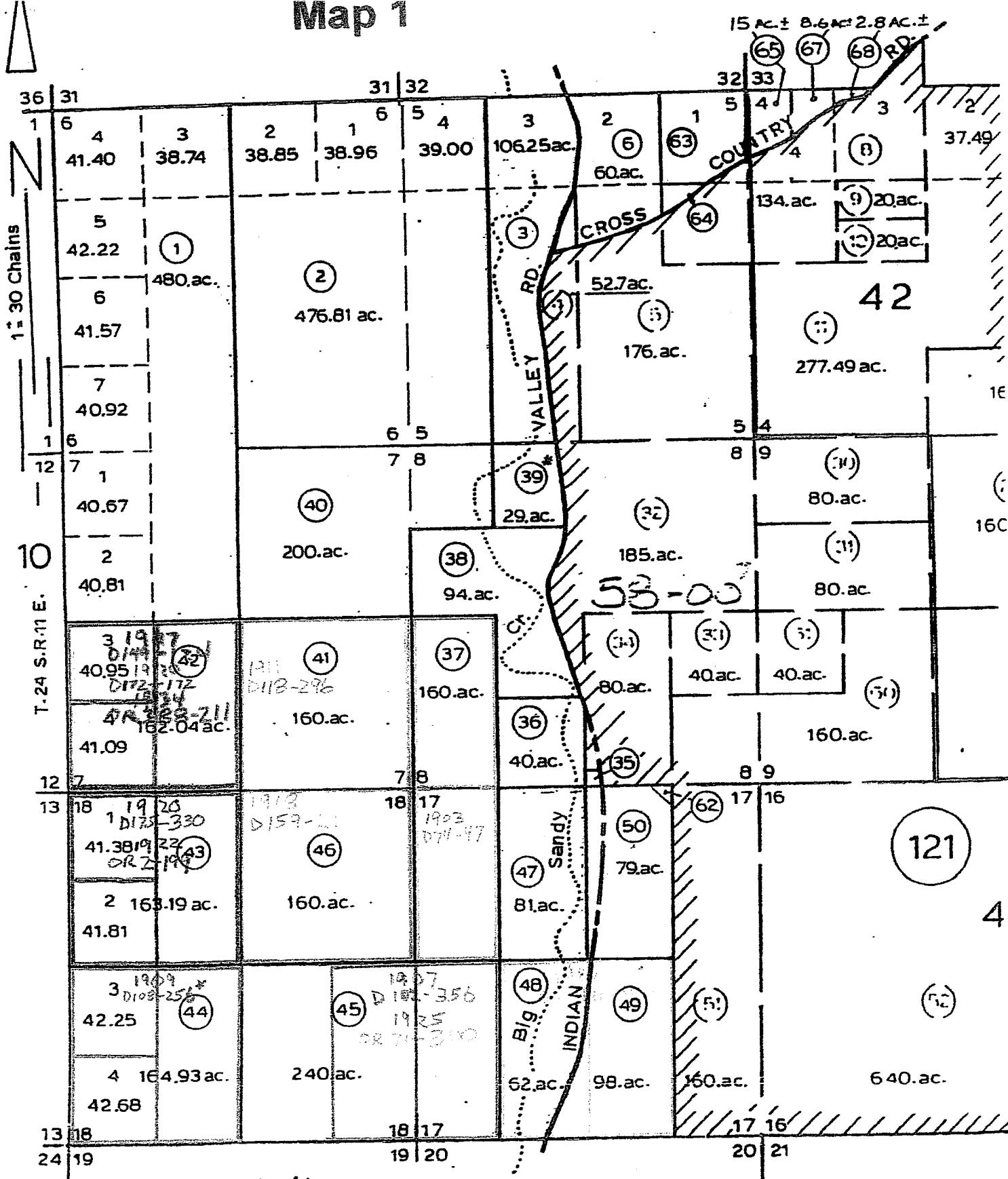
This map shows the location in County records and the year of recordation of deeds transferring land as a single lot, parcel or piece in a single deed.

In most cases the language used was: "all that certain lot, piece or parcel of land". However, Book 127 of Deeds, Page 119, says: "All that certain piece or parcel of land...". Book 161 of Deeds, Page 429, says: "that certain real property hereinbefore referred to...". Book 166 of Deeds, Page 455, and Volume 387 of Official Records, Page 399, say: "all the certain lot, piece or parcel of land."

Of further note is the fact that nearly all of these ALSO add: "Together with the ... hereditaments...", which protects any underlying parcels within the single parcel conveyed.

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Map 1



*also described other
lots, pieces or parcels

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Said one thousand eight hundred and ninety four.
Between Eliza Sonniksen of Santa Clara County, California,

the party of the first part, and Judson L. Stull of the City of San Jose, County
of Santa Clara, State of California.

the party of the second part,

Witnesseth: That the said party of the first part, for and in consideration of the sum of Five
5 Dollars, Five of the United States of America,
to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged

do by these presents grant, bargain, sell, convey and confirm
unto the said party of the second part, and to his heirs and assigns forever, all those certain
lots, pieces or parcels of land situate, lying and being in the County of
Monterey, State of California, and bounded and particularly described as follows, to wit:

West half (W $\frac{1}{2}$) of the South West quarter (SW $\frac{1}{4}$) of Section Eight
(8) and the West one half (W $\frac{1}{2}$) of the North West quarter (NW $\frac{1}{4}$) of
Section Seventeen (17) in Township twenty four (24) South of
Range Twelve (12) East of Mount Diablo base and Meridian
and containing (160) one hundred + sixty acres.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in
anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits
thereof.

To Have and to Hold, all and singular the said premises, together with the appurtenances, unto the
said party of the second part, and to his heirs and assigns forever

In Witness Whereof, the said party of the first part has hereunto set her hand and seal
the day and year first above written.

Executed
Signed, Sealed and Witnessed in the Presence of

Eliza Sonniksen

SEAL

SEAL

SEAL

SEAL

State of California,

COUNTY OF Santa Clara.

ss. On the First day of May A. D. one
thousand eight hundred and ninety four before me C. W. Guilty
a Notary Public in and for said County of Santa Clara, duly
commissioned and sworn, personally appeared Eliza Sonniksen,
whose name is subscribed to the within instrument, known
to me to be the same person described in, and who executed
the said instrument, and acknowledged to me that she
executed the same. In Witness Whereof, I have hereunto set my
hand and affixed my Official Seal, the day and year in
this Certificate first above written. C. W. Guilty, Notary Public
in & for Santa Clara County, California.
(Notarial Seal.)

Recorded at the request of J. L. Stull on the 19th day of August 1903,
at 9 min. past 9 o'clock A. M., in Vol. 74 of Deeds, page 47. Monterey County Records.

BOOK 74 DEEDS Pg 47

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This Indenture, Made the 5th day of December in the year of our Lord One Thousand Nine Hundred and seven
Between J.O. Graves and Pearl A. Graves, his wife, of the County of Contra Costa, State of California
the parties of the first part, and Addie C. Berger, of the County of Monterey, State of California

Witnesseth: That the said parties of the first part, for, and in consideration of the sum of Ten Dollars (\$10.00) Dollars gold coin of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, conveyed and confirmed, and by these presents, do grant, bargain, sell, convey and confirm unto the said party of the second part, and to her heirs and assigns forever, all those certain lots, pieces or parcels of land situate, lying and being in the County of Monterey, State of California, and bounded and particularly described as follows to-wit:

The West one half of the South-west one quarter of section seventeen (17) and the East one half of the South-east one quarter of section eighteen (18) in Township twenty-four (24) South of Range twelve East N.E.M. containing One hundred and sixty acres of land.

Together with all and singular, the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof

To Have and to Hold, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns forever

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

J.O. Graves
Pearl A. Graves

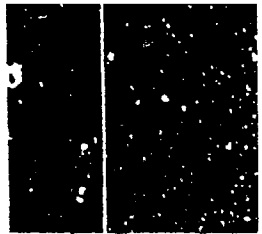
State of California,

County of Contra Costa

On this 6th day of Dec. in the year One Thousand and Nine Hundred and seven before me Eusebio Becchali Notary Public in and for said County, duly commissioned and sworn, personally appeared J.O. Graves, and Pearl A. Graves (his wife known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same. In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written. Eusebio Becchali Notary Public in and for the County of Contra Costa State of Cal. (Notarial Seal)

Recorded at the request of Mrs. Addie C. Berger on 13th day of Dec. 1907 P. at 11 min. past 9 o'clock M. in Vol. 102 of Deeds, page 55. Monterey County Records. Deputy Recorder.

BOOK 102 DEEDS Pg 356



a corporation, known to me to be the President and Secretary respectively of said Corporation, and they personally acknowledged to me that said Corporation executed the same. L.H.Anderson, Notary Public in and for the City and County of San Francisco, State of California. (Notarial Seal)

STATE OF CALIFORNIA, COUNTY OF MONTEREY, SS. On t is 20th day of March, A.D.1909, before me, Silas W. Mack, a Notary Public in and for said Monterey County, residing therein, duly commissioned and sworn, personally appeared H.R. O'Bryan and George R. Capp known to me to be the Vice-President and the Assistant Secretary respectively of the Del. Ray Development Company, the Corporation described in and which executed the within instrument; and they acknowledged to me that said Corporation executed the same. WITNESS my hand and official seal, the day and the year in this certificate first above written. Silas W. Mack, Notary Public in and for Monterey County, State of California. (Notarial Seal)

Filed for Record at the Request of Chas. Swanson March 27th A.D.1909 at 10 min. past 9 o'clock A.M.

BOOK 108 DEEDS Pg. 256

HENRY S. MORRIS ET AL :

-To-

H. C. M O R R I S C O. :

DEED. THIS INDENTURE, Made this Twentieth day of

March, in the year of our Lord A.D. One Thousand Nine

Hundred and nine. BETWEEN Henry S. Morris and Mary P.

Morris (his wife) and Henry C. Morris and Mary E. Morris

(his wife) of the City of Oakland, County of Alameda, State of California, the parties of the first part, and H.C. Morris Co. a corporation duly organized and existing under the laws of the State of California, the party of the second part. WITNESSETH: that the said parties of the first part, for and in consideration of the sum of Ten (10) Dollars, Gold Coin of the United States of America, to them in hand paid by the party of the second part, at or before the ensealing and delivery of these presents the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said party of the second part, and to its assigns forever. All those certain lots, pieces or parcels of land, situate, lying and being in the County of Monterey, State of California, and bounded and particularly described as follows, to-wit:

The East half ($\frac{1}{2}$) of the Southwest quarter and the North half ($\frac{1}{2}$) of the Southeast quarter of Section Twenty-eight (28) in Township Twenty-three (23) South of Range Twelve (12) East of Mount Diablo Meridian, containing One hundred and sixty (160) acres, more or less. Lot Numbered Two (2), the Southeast quarter of the

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Northwest quarter, the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter of Section Thirty (30) in Township Twenty three (23) South, of Range Thirteen (13) East, of Mount Diablo Meridian, Containing One Hundred and Seventy-one (171) acres, more or less. The southeast quarter of section Thirty-four (34) in Township Twenty-three (23) South, of Range Nine (9) East, of Mount Diablo Meridian, containing One Hundred and Sixty (160) acres, more or less. Lots Three (3) and Four (4) and the East half (½) of the Southwest quarter of Section Eighteen (18) Township Twenty-four (24) South, Range Twelve (12) East, Mount Diablo Meridian, containing One Hundred and Sixty-four and 73/100 (164.73) acres, more or less. The Southwest quarter of the Northeast quarter, West half (½) of Southeast quarter of Section five (5) and the Northwest quarter of the Northeast quarter of section Eight (8) Township Twenty-four (24) South, Range Twelve (12) East, Mount Diablo Meridian, Containing One Hundred and Sixty (160) acres, more or less. Lot number Two (2) and southwest quarter of the Northeast quarter and Northwest quarter of Southeast quarter of Section One (1) Township Twenty-four (24) South, Range Twelve (12) East, Mount Diablo Meridian, Containing One hundred and Eighteen and 7/100 (118.7/100) acres, more or less. The North half (½) of Section Twelve (12) Township Twentyfour (24) South, Range Twelve (12) East, Mount Diablo Meridian. Lot Three (3), Southeast quarter of Northwest quarter, and East half (½) of the Southwest quarter of section One (1), Township Twenty-four (24) South, Range Thirteen (13) East of Mount Diablo Meridian, containing One Hundred and Sixty-one and 30/100 (161.30/100) acres more or less. Southeast quarter of Section Nineteen (19), Township Twenty-four (24) South, Range Thirteen (13) East, of Mount Diablo Meridian, containing One Hundred and Sixty (160) acres, more or less.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. And also all the estate, right, title and interest, homestead claim property, possession, claim and demand whatsoever as well in law as in equity, of the said parties of the first part, of, in or to the above described premises and every part and parcel thereof, with the appurtenances. TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said party of the second part its assigns forever. IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written. Henry S. Morris Mary P. Morris Henry C. Morris Mary E. Morris. Signed, Sealed and Delivered in the Presence of -----.

STATE OF CALIFORNIA, COUNTY OF ALAMEDA.) SS. On this 26th day of March in the year of our Lord One Thousand Nine Hundred and Nine (1909) before me, Charles A. Tyrrel, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Henry S. Morris, Mary P. Morris (his wife), Henry C. Morris and Mary E. Morris (his wife) known to me to be the persons described in and whose names are subscribed to the within instrument, and they acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my Office in the County and State aforesaid, the day and ^{the} year in this certificate first above written. Charles A. Tyrrel, Notary Public in and for the County of Alameda, State of California. (Notarial Seal)

BOOK 118 DEEDS PG 296

P.C. FIRANZI

TO

D. FIRANZI

THIS INSTRUMENT, Made the twenty-first day of March one thousand and nine hundred and eleven BETWEEN P.C. Firanzi, of the County of Monterey, State of California, the party of the first part, and D. Firanzi, of the same County and State, the party of the second part

WITNESSETH That the said party of the first part, in consideration of the sum of Ten Dollars lawful money of the United States of America, to him in hand paid, by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain and sell, unto the said party of the second part, and to his heirs and assigns, for ever; all those certain lots, pieces or parcels of land situate in the County of Monterey, State of California and bounded and described as follows, to-wit:

The South East quarter (SE $\frac{1}{4}$) of Section Seven (7) and also an undivided one-half interest in and to the North East quarter of Section Eighteen (18) all in Township Twenty Four (24) South of Range Twelve (12) East, Mount Diablo, Meridian.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging, or appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand the day and year first above written.

Signed and Delivered in the
Presence of -- -----)

P.C. Firanzi

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss.

On this 21st day of March in the year one thousand nine hundred and eleven before me M.R. Van Wormer, a Notary Public in and for the County of San Luis Obispo State of California / personally appeared P.C. Firanzi known to me to be the same person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my Office in the County of San Luis Obispo, State of California, the day and year in this certificate first above written.

M.R. Van Wormer, Notary Public

(Notarial Seal)

in and for the County of San Luis Obispo, State of California

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ELMOUR C. BONAR. :
et ux :
-TO- :
GARELD C. BONAR :
..... :

THIS INDENTURE, made the 30th day
of April, A.D. 1917 BETWEEN ELMOUR C. BONAR
and MINNIE E. BONAR, his wife, of the County
of Santa Clara, State of California, the par-

ties of the first part, and GARELD C. BONAR, of the County of Santa Clara,
State of California, the party of the second part, WITNESSETH: That the said
parties of the first part, for and in consideration of the love and affection
which the said parties of the first part have and bear unto the said party of the
second part, as also for the better maintenance, support, portection and liveli-
hood of the said party of the second part, do--by these presents give, grant,
alien and confirm, unto the said party of the second part, and to his heirs and
assigns forever, all those certain lots, pieces or parcels of land, situate,
lying and being in the County of Monterey, State of California, and bounded and
described as follows, to wit:

Lots Numbered Three and Four and the East half of the Southwest Quarter of
Section Seven, in Township Twenty-Four (24) South of Range Twelve (12) East of
Mount Diablo Meridian in California, containing one hundred and sixty-two and
four-Hundredths (162.04) acres..

TOGETHER with all and singular the tenements, hereditaments and appurtenances
thereunto belonging, or in anywise appertaining, and the reversion and reversions,
remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the
appurtenances, unto the said party of the second part, his heirs and assigns
forever--

IN WITNESS WHEREOF, the said parties of the first part have hereunto set
their hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the
Presence of-----

Elmour C. Bonar----- (SEAL)
Minnie E. Bonar----- (SEAL)

STATE OF CALIFORNIA,

County of Santa Clara

} ss.

On this 11th day of May in the year one
thousand nine hundred and Seventeen before me, C.B. WOOSTER, a Notary Public, in and
for the County of Santa Clara, State of California, personally appeared Elmour C.
Bonar & Minnie E. Bonar, his wife known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that they executed the
same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official
Seal, at my office in the said County of Santa Clara, the day and year
in this certificate first above written.

(Notarial Seal)

C.B. Wooster Notary Public in and for the County of
Santa Clara, State of California.

Filed for Record at the Request of C.B. WOOSTER May 12th A.D. 1917, at 1 min.
past 9 o'clock A.M.,

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GARELD C. BONAR,

THIS INDENTURE, made the 5th day of April,

one thousand nine hundred and twenty, BETWEEN Gareld C. Bonar, single, of Santa Clara County, California, the party of the first part, and Charles J. Blumenthal of the City and County of San Francisco, California, the party of the second part,

WITNESSETH: That the said party of the first part, in consideration of the sum of Ten (10) dollars, gold coin of the United States of America, has hereunto acknowledged, does by these presents grant, bargain, and sell unto the said party of the second part, and to his heirs and assigns forever, all those certain lots, pieces or parcels of land situate in the County of Monterey, State of California, and bounded and described as follows, to-wit:

Lot three (3) and four (4) and the east half ($E\frac{1}{2}$) of the south west quarter ($SW\frac{1}{4}$) of section seven (7) township twenty four (24) south, range twelve (12) East, M.D.B. & M containing 162.04 acres.

TOGETHER with the tenements, hereditaments and appurtenances, thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders rents, issues and profits thereof.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part, has hereunto set his hand the day and year first above written.

Signed and delivered in the presence of - - - - -

Gareld C. Bonar.

State of California,)
County of Santa Clara.) ss

On this 5th day of April, in the year one thousand nine hundred and twenty, before me, C.B WOOSTER, a Notary Public in and for the County of Santa Clara, State of California, personally appeared Gareld C. Bonar known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my office in the said County of Santa Clara, the day and year in this certificate first above written. (Notarial Seal).

C.B. Wooster, Notary Public in and for the County of Santa Clara, State of California.

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EDGAR P. BONAR : THIS INDENTURE, made the 6th. day of October one
 at ux : thousand nine hundred and twenty BETWEEN Edgar P. Bonar
 -TO- : and Kate B. Bonar his wife, Of the County of Santa Clara,

EDWIN SHAW : California, the parties of the first part, and Edwin
! California
 Shaw. of the City and County of San Francisco, the party of the second part,

WITNESSETH: That the said parties of the first part, in consideration of the
 sum of Ten (10) dollars, Gold Coin of the United States of America, to them in
 hand paid by the said party of the second part, the receipt whereof is hereby
 acknowledged, do by these presents, grant, bargain, and sell unto the said party
 of the second part, and to his heirs and assigns forever, all those certain
lots, pieces or parcels of land situate in the County of Monterey, State of
California, and bounded and described as follows, to-wit:

Lots One (1) and Two (2) and the East half (E $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of
Section Eighteen (18) Township Twenty-four (24) South Range Twelve (12) east.
M.D.B. and M. Containing 163.19 acres.

TOGETHER with the tenements, hereditaments and appurtenances thereunto
belonging or appertaining, and the reversion and reversions, remainder and re-
mainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances,
 unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part, have hereunto set
 their hands the day and year first above written.

SIGNED AND DELIVERED IN THE PRESENCE OF)
 _____)
 _____)
 _____)
 _____)

EDGAR P. BONAR
 KATE B. BONAR

STATE OF CALIFORNIA)
 COUNTY OF SANTA CLARA (SS.

On this 6th day of October in the year one thousand nine hundred and twenty
 before me, A. S. JOHNSON, a Notary Public in and for the County of Santa Clara
 residing therein duly commissioned and sworn, personally appeared Edgar P. Bonar
 and Kate B. Bonar (his wife) known to me to be the persons whose names are sub-
 scribed to the within instrument, and they duly acknowledged to me that they
 executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed
 my Official Seal, at my office in the County of Santa Clara, the day and year
 in this certificate first above written. (Notarial Seal)

A. S. JOHNSON
 Notary Public in and for the County of
 Santa Clara, State of California.

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W.C.THEILE, a Notary Public in and for the said County and State, residing therein duly commissioned and sworn, personally appeared J.A.G.ADCOCK and JENNIE ADCOCK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

(Notarial Seal).

W.C.THEILE, Notary Public in and for the said County and State of California.

Recorded at the Request of SALINAS TITLE GUARANTEE COMPANY, May 19, 1922 at 36 minutes past 9 A.M.

VOL 2 O.R. PG. 199

EDWIN SHAW

-to-

L.SEGELHORST, ET AL

: THIS INDENTURE, made the 24th day of February, one thousand nine hundred and twenty two, BETWEEN Edwin Shaw, a single man, of the City and County of San Francisco, State of California, the party of the first part, and L.SEGELHORST, J.K.NELSON, G.R.GIBSON, the parties of the second part,

WITNESSETH: That the said party of the first part, in consideration of the sum of Ten (\$10.00) dollars, Gold Coin of the United States of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, and sell unto the said parties of the second part, and to their heirs and assigns forever, all those certain lots, pieces or parcels of land situate in the County of Monterey, State of California, and bounded and described as follows, to-wit:

Lots One (1), and two (2) and the east half (E $\frac{1}{2}$) of the northwest quarter (NW $\frac{1}{4}$) of section eighteen (18) township twenty-four (24) south, range twelve (12), east, M.D.M., containing 163.19 acres.

TOGETHER with the tenements, hereditaments and appurtenances, thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part, has hereunto

set the day and year first above written.

U. S.
INT. REV.
STAMPS
\$1.00
Cancelled

C-50

-to-

.....

WITNESSETH: That the said party of the first part, in consideration of the sum of TEN and 00/100 dollars, Lawful Money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, and sell unto the said party of the second part, and to his heirs and assigns forever, all those certain lots, pieces or parcels of land situate in the County of Monterey, State of California, and bounded and described as follows, to-wit:

An un-divided one half of the West half of the South-west quarter of Section Seventeen and the East half of the South-east quarter of Section Eighteen, all in Township Twenty-four South, of Range Twelve East Mount Diablo Base and Meridian, and containing 160 acres, more or less, according to United States Government Survey thereof.

TOGETHER with the tenements, hereditaments and appurtenances thereunto be-
 longing or appertaining, and the reversion and reversions, remainder and re-
 mainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances,
unto the said party of the second part, and to his heirs and assigns forever

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

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IN WITNESS WHEREOF, the said party of the first part, has hereunto set his hand the day and year first above written.

Signed and Delivered in the Presence of... CARLO GARELLI

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO) ss.

On this Eighth day of October in the year One Thousand Nine Hundred and Twenty-five before me, F. W. Tutin, a Notary Public, in and for the County of San Luis Obispo, personally appeared Carlo Garelli (sometimes called Henry Garelli), unmarried, known to me to be the person whose name is subscribed to the within instrument, and he duly acknowledged to me that he executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my office in the County of San Luis Obispo, the day and year in this certificate first above written.

F. W. TUTIN, Notary Public in and for the County of San Luis Obispo, State of California. (Notarial Seal)

Recorded at the request of F. W. Tutin, Feb. 2, 1926 at 4 min. past 8 A. M. ...

END

MARY ELLEN POTTS,

-to-

CLOYD E. OGIER, et ux

.....

KNOW ALL MEN BY THESE PRESENTS: That I, Mary

Ellen Potts, of the City of Pacific Grove, County

of Monterey, State of California, do hereby certify

and declare that a certain Mortgage bearing date the twenty-sixth day of

November A.D. 1923, made and executed by CLOYD E. OGIER and FLORENCE F. OGIER,

his wife, of said City, County and State, the parties of the first part

therein, to MARY ELLEN POTTS or FRED D. KNOWLES the parties of the second

part therein, and recorded in the office of the County Recorder of said

County of Monterey, on the 27th day of November, A. D. 1923, in Volume 27 of

Official Records, Page 348, together with the debt thereby secured, is fully

paid, satisfied and discharged.

IN WITNESS WHEREOF I have hereunto set my hand and seal this first day

CS
SV

Done in open Court this 27th day of February, 1934.

LINCOLN S. CHURCH

Judge of the Superior Court.

ENDORSED

Filed Feb. 27, 1934

G. E. WADE

County Clerk

BY P. W. WUTHE

Deputy

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: Feb. 27, 1934.

G. E. WADE

County Clerk and ex-officio Clerk of the Superior Court of the State of California in and for the County of Alameda.

By P. W. WUTHE, Deputy

P. W. WUTHE

(Court Seal)

Recorded at request of REDMOND C. STAATS Feb. 28, 1934 at 24 min. past 1 P.M.
#2003.....Dutra.

VOL 388 O.R. Pg. 211

THIS INDENTURE, made the third day of February, A. D. 1934.

BETWEEN H. D. EDWARDS, the party of the first part, and MATTIE WORK, the party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten dollars, lawful money of the United States of America, to her

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in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and forever quitclaimed, and by these presents does remise, release and forever quitclaim, unto the said party of the second part, and to her heirs and assigns, all those certain lots, pieces, or parcels of land, situate, lying and being in the County of Monterey, State of California, and bounded and particularly described as follows, to wit:

Lots three (3) and four (4) and east half of southwest quarter of section seven (7), in township twenty-four (24) South of range twelve (12) east of Mount Diablo Base and Meridian, containing an area of 162.04 acres of land, according to the United States Government survey thereof.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. And also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity of the said party of the first part of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal, the day and year first above written.

SIGNED, SEALED AND DELIVERED

H. D. EDWARDS (SEAL)

IN THE PRESENCE OF _____

(SEAL)

STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

(SS

On this 27th day of February in the year One thousand nine hundred and thirty four, before me, PAUL TEILH, a Notary Public in and for the City and County of San Francisco, personally appeared H. D. EDWARDS, known to me to be the person whose name is subscribed to the within instrument, and she duly acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, the day and year in this certificate first above written.

PAUL TEILH

Notary Public in and for the City and County
of San Francisco, State of California.

(Notarial Seal)

Recorded at request of MONTEREY COUNTY TITLE & ABSTRACT CO., Feb. 28, 1934
at 30 min. past 2 P.M....#2007.....Dutra.

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STATE OF CALIFORNIA)
County of Los Angeles) ss.

On this Sixth day of March in the year one thousand nine hundred and seventeen, before me, D. Z. GARDNER a Notary Public in and for said County residing therein, duly commissioned and sworn, personally appeared J. A. IRVINE known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same. (Notarial Seal)

WITNESS my hand and official seal.

D. Z. Gardner
Notary Public in and for said
County of Los Angeles State of
California.

Recorded at the Request of Thomas R. Hayes Aug 10th A. D. 1918. at 2 min.
past 9 A. M.

BOOK 159 DEEDS PG 21

✓ P. C. FIRANZI

-TO-

D. FIRANZI

.....
Eighteen. BETWEEN P. C. FIRANZI of Monterey State of California. the party

of the first part, and D. FIRANZI of Monterey County State of California. the party of the second part,

THIS INDENTURE, made the 10th day

of August one thousand nine hundred and

of the first part, and D. FIRANZI of Monterey County State of California. the party of the second part,

WITNESSETH: That the said party of the first part, in consideration of the sum of Ten & 00/100-----dollars, Gold Coin of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, and sell unto the said party of the second part, and to his heirs and assigns forever, all those certain lots, pieces or parcels of land situate in the County of Monterey, State of California, and bounded and described as follows, to-wit:

The South east quarter of section seven (7) Township twenty-four (24) south of range twelve (12) East of Mount Diablo Meridian, and containing one hundred and sixty acres of land.

Also the undivided one half interest in the following lands. The north east quarter of section (18) Township Twenty-four (24), south of range twelve (12) East of Mount Diablo Meridian and containing one hundred and sixty acres of land.

TOGETHER with the tenements, hereditaments and appurtenances thereto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances unto the said party of the second part, and to his heirs and assigns

VOL. 90 O.R. PG. 421
SEPT 1, 1926

✓
C. U. HYLAND, et al., • THIS INDENTURE, MADE THE twenty-seventh
-to- • day of July one thousand nine hundred
HENRY GARELLI, et al., • and twenty-six, between C. U. HYLAND,
..... (unmarried) and J. A. PETERSON (unmarried),
both of the County of Monterey, State of California, the parties of the
first part, and HENRY GARELLI AND BATTISTA GARELLI, of the County of
Monterey, State of California, the parties of the second part,
WITNESSETH: That the said parties of the first part in consideration
of the sum of Ten and 00/100 dollars lawful money of the United States of
America, to them in hand paid by the said parties of the second part, the
receipt whereof is hereby acknowledged do by these presents grant, bargain,
and sell unto the said parties of the second part, and to their heirs and
assigns forever, all those certain lots, pieces or parcels of land situate
in the County of Monterey, State of California, and bounded and described
as follows, to-wit:-
The West half of the South-east quarter and the East half of the south-west
quarter of Section Seventeen in Township twenty-four south, of range twelve
Base and
east Mount Diablo/Meridian, less the County Road and the right of way of the
Stone Canyon Railroad, and containing 152 acres of land, more or less, by
Government and private survey thereof.

Excepting and reserving, however, to the Grantors, each a onethird
of all the Petroleum or other minerals in the lands herein described,
together with the right to prospect for, drill, mine and remove the same,

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and the right of ingress to and egress from said lands.

TOGETHER with the tenements, hereditaments and appurtenances, thereunto belonging or appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever. subject to taxes for the year 1926-1927.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands the day and year first above written.

C. U. HYLAND

J. A. PETERSON

SIGNED AND DELIVERED IN THE PRESENCE OF _____

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO)SS.

On this twenty-seventh day of July in the year one thousand nine hundred and twenty-six before me, F. W. TUTIN, a Notary Public in and for the County of San Luis Obispo, personally appeared C. U. HYLAND, (unmarried) and J. A. PETERSON (unmarried), known to me to be the persons whose names are subscribed to the within instrument, and they each duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of San Luis Obispo, the day and year in this Certificate first above written.

F. W. TUTIN, Notary Public in and for the County of San Luis Obispo, State of California. (Notarial Seal).

Recorded at the Request of MONTEREY COUNTY ABSTRACT COMPANY, Sept 1, 1926, at 36 min. past 2 o'clock P.M.....BD.....#27887.

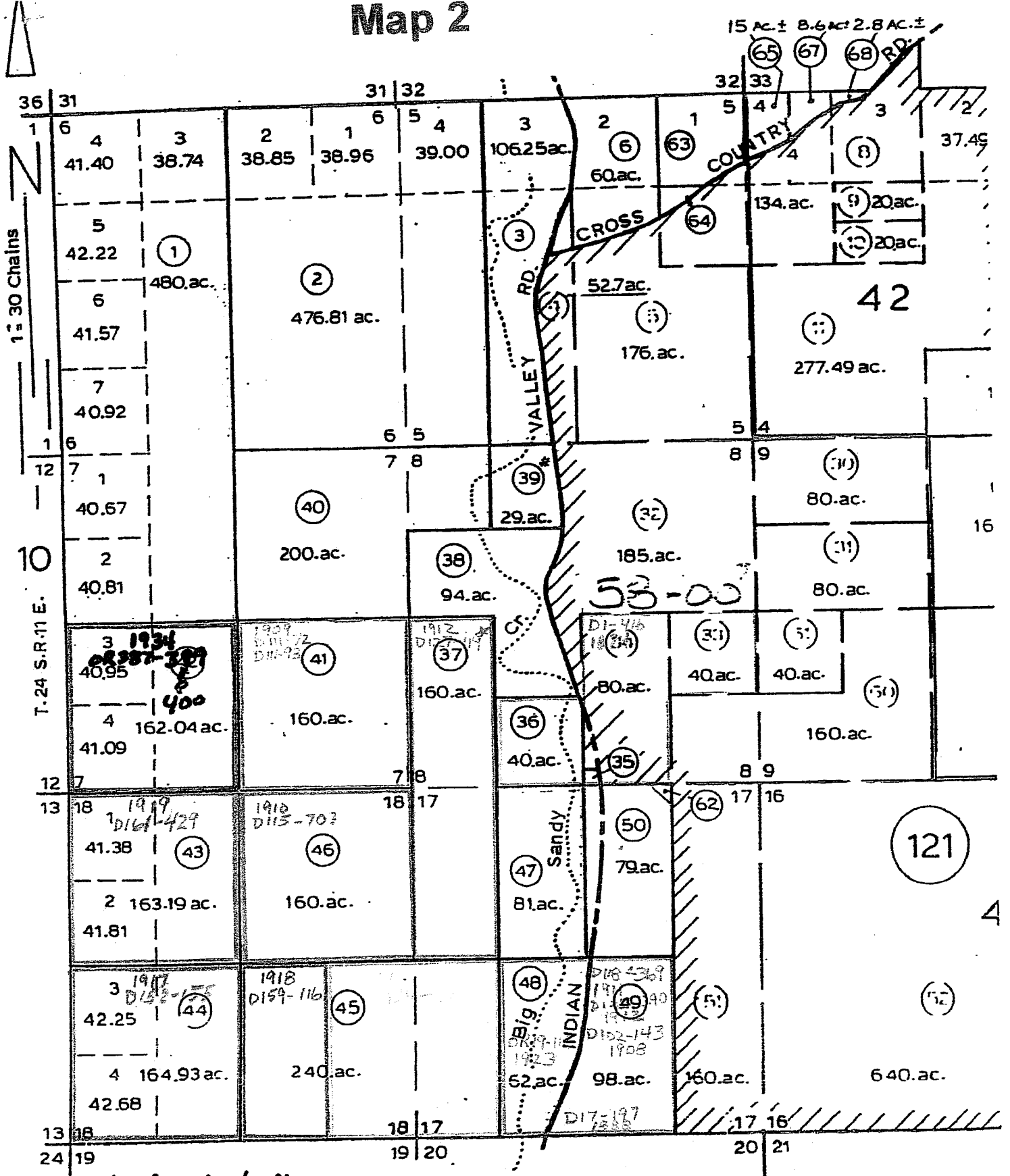
CS

of the second part and to their heirs and assigns forever all that certain lot piece or parcel of land situate lying and being in the County of Monterey State of California and bounded and particularly described as follows to wit The North half of the South East quarter (1/4) and the South West quarter of the South East quarter (1/4) and the South East quarter of the South West quarter (1/4) of Section No Eight (8) Township No Twenty four (24) South of Range No twelve (12) East Mount Diablo meridian. Containing one hundred and sixty acres more or less according to the United States Survey. Together with all and singular the tenements hereditaments and appurtenances thereto belonging or in anywise appertaining and the reversions and reversions remainder and remainders rents issues and profits thereof. And also all the estate right title interest in said property possession claim and demand whatsoever as well in law as in equity of the said party of the first part of in or to the above described premises and every part and parcel thereof with the appurtenances To have and to hold all and singular the above mentioned and described premises together with the appurtenances unto the said parties of the second part their heirs and assigns forever. In Witness Whereof the said party of the first part has hereunto set his hand and seal the day and year first above written in signed Joseph B. Davis (seal) signed sealed stamped and delivered in the presence of — State of California County of San Luis Obispo. so on this tenth day of August A.D. one Thousand Eight hundred and Seventy four before me Ezra Carpenter a Notary Public in and for the County of San Luis Obispo personally appeared

1880 11 to be the same person

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Map 2



*also described after
single parcels, lots or pieces

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1. 30 Chains



the day and year first above written. (signed) Manuel
 S. Bordges. (Seal) Antonio S. Bordges. (Seal) signed
 sealed and delivered in the presence of W. P. L.
 Winham. State of California. County of Monterey.
 ss. On this Eighth day of December A. D. one
 Thousand eight hundred and Eighty personally
 appeared before me. W. P. L. Winham. a Notary
 Public in and for said County of Monterey
 Manuel Bordges and Antonio S. Bordges known
 to me to be the persons whose names are subscribed
 to the within instrument and acknowledged to me
 that they executed the same. In Witness Whereof
 I have hereunto set my hand and affixed my
 official seal at my office in the City of Salinas.
 County of Monterey the day and year in this
 certificate first above written. W. P. L. Winham
 Notary Public. (Notarial Seal)

Recorded at request of Owen Smith Dec
 8th 1880 at 57 minutes past 11 A. M.

BOOK 1 DEEDS PAGE 416

This Indenture made the tenth day of August in
 the year of our Lord One Thousand eight hundred
 and seventy four. Between Joseph B. Davis of
 the County of San Luis Obispo. State of California
 party of the first part and Sittenfeld & Co of the
 County and State aforesaid parties of the second
 part. Witnesseth that the said party of the first
 part for and in consideration of the sum of
 Eight Hundred dollars Gold Coin of the United
 States of America. to him in hand paid by the
 said party of the second part. the receipt
 whereof is hereby acknowledged. he Sold and
 L. this 1... 4... 11... 11... 11... 11...

55-6

of the second part and to their heirs and assigns forever all that certain lot piece or parcel of land situate lying and being in the County of Monterey State of California and bounded and particularly described as follows to wit The north half of the South East quarter (1/4) and the South West quarter of the South East quarter (1/4) and the South East quarter of the South West quarter (1/4) of Section no Eight (8) Township no twenty four (24) South of Range no twelve (12) East Mount Diablo meridian. Containing one hundred and sixty acres more or less according to the United States Survey. Together with all and singular the tenements hereditaments and appurtenances thereto belonging or in anywise appertaining and the reversions and reversioners remainder and remainders rents issues and profits thereof. And also all the estate right title interest in said property possession claim and demand whatsoever as well in law as in equity of the said party of the first part of in or to the above described premises and every part and parcel thereof with the appurtenances To have and to hold all and singular the above mentioned and described premises together with the appurtenances unto the said parties of the second part their heirs and assigns forever. In Witness Whereof the said party of the first part has hereunto set his hand and seal the day and year first above written in. (Signed) Joseph B. Davis (seal) signed sealed stamped and delivered in the presence of — State of California County of San Luis Obispo. so on this tenth day of August A.D. one Thousand Eight hundred and Seventy four before me Ezra Carpenter a Notary Public in and for the County of San Luis Obispo personally appeared

10. 10. 74 to wit to be the same person

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Whereof I have hereunto set my hand and
affixed my Official Seal, at my office in the
aid County of Monterey, The day and year
in this Certificate first above written,
W. D. Wickham Notary Public (Notarial Seal)

Recorded at the Request of W^{ms} Vanderhurst
Feb^y 1888 at 5 min. past 3 P.M.

BOOK 17 DEEDS PL 197

This Indenture, Made the 28th day of January
in the year of our Lord one thousand eight hundred
and eighty eight between John Parker of Indian Valley, Monterey
County, California party of the first part and Mrs. Frances H.
Perfield the party of the second part, witnesseth - that the said
party of the first part for and in consideration of the sum of
Three Thousand Dollars, well and lawfully of the United States of America to
him in hand paid by the said party of the second part, the
receipt whereof is hereby acknowledged does by these presents grant
convey and sell convey and confirm unto the said party
of the second part and to her heirs and assigns forever all
that certain lot and parcel of land, situate, lying and being
in the County of Monterey, State of California and bounded and
particularly described as follows to wit: The West Half of
the Southeast quarter and the East Half of the South-west quarter
of Section Twenty-one (21) Township No. Twenty-four (24) South-
Range Twelve (12) East N. D. M. Containing One thousand and
Sixty (60) acres of land, together with all and singular
the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, and the possession
and reversion, remainder and remainders, rents, issues and
profits thereof to have and to hold all and singular
the said premises together with the appurtenances unto
the said party of the second part her heirs and assigns
forever In Witness Whereof the said party of the first part
has hereunto set his hand and seal the day and year
first above written

17-197

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NOV 7, 1889

This Indenture," made this Fifth day of November. In the year of Our Lord One Thousand eight hundred and eighty nine. Between," Bernice B. Moor of Monterey County State of California. the party of the first part. And Owen Langdon of East Oakland County of Alameda State of California. The party of the second part. Witnesseth that the said party of the first part. For and in consideration of the sum of Seven Hundred Dollars gold coin of the United States of America to him in hand paid by the said party of the second part. The receipt whereof is truly acknowledged does by these presents grant bargain, sell, convey and confirm, unto the said party of the second part, and to his heirs and assigns forever, all that certain lot piece or parcel of land situate lying and being in the County of Monterey State of California and bounded and particularly described as follows to Wit." W. 112 of N.E. 14 and S.E. 14 of N.W. Quarter Section 19. in Township 24 South of Range 12 East N.E.M. containing 120 acres. Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, as in and unto appurtenances and the reversions and residue, remaineth and shall

read at my office in the said County of Santa Clara the day
and year in this certificate first above written. W. B. Pyle.
Notary Public. (Notarial Seal)
Recorded at the request of W. H. & Co. June 3rd 1890
at 47 minutes past 3 P.M.

BOOK 28 DEEDS Pg 202

This Instrument made the Fifth day of December A.D.
One thousand eight hundred and eighty nine Between Thomas
D. Minto of Bradley County, California. The party
of the first Part. and Ours Langan of Oakland Alameda
County State of California. Party of the second Part. Witnesseth
that the said party of the first part for and in consideration of
the sum of Three hundred and fifty (\$350.00) dollars good
coin of the United States of America to him in hand paid by
the Party of the second part. at or before the signing and delivery
of these presents. the receipt whereof is truly acknowledged
has granted bargained sold and conveyed and by these
presents does grant bargain sell and convey unto the said
party of the second part and to his heirs and assigns forever.
A LL that certain lot first or parcel of land situated lying and
being in the said County of Monterey. State of California and
bounded and particularly described as follows to wit. The
North East quarter of the North West quarter section nineteen
4197 of Township Twenty four (24) South of Range No. 10 East
421 East Mount Diablo Meridian containing Forty 40
acres more or less according to the United States Survey.
Togethen with all and singular the tenements hereditaments

(This Indenture, made the 5th day of December, 1880 and
 thousands eight hundred and eighty nine Between Thomas D.
 Winto of Bradley, Monterey County California the party of
 the first part, and Ours Longson of Oakland Alameda County
 State of California, party of the second part Witnesseth that
 the said party of the first part, for and in consideration of the
 sum of Three hundred and fifty (\$350) dollars good coin of
 the United States of America to him in hand paid by the
 party of the second part, at and before the executing and delivery
 of these presents, the receipt whereof is hereby acknowledged
 has granted bargained sold and conveyed, and by these presents
 does grant bargain, sell and convey unto the said party of the
 second part, and to his heirs and assigns forever, all those certain
lot five as parcel of land situate lying and being in the said
 County of Monterey State of California, and bounded and parted
 as more fully described as follows to wit: The North East quarter
 of the North West quarter Section (19) of Township Twenty
 four (24) South of Range, No. Twelve (12) East Mount Diablo
 Meridian Containing Forty (40) acres more or less according to the
 United States Survey. Together with all and singular the immo-
 vels, tenements and appurtenances thereto in anywise belonging, in
 and appurtenant appertainings and the services and services
 remainder and remainders, rents issues and profits thereof,
 and also all the estate right title interest property present
 claim and demand whatever, as well in law as in equity
 of the said party of the first part, of in or to the above described
 premises and every part and parcel thereof with the appurten-
 ances. To have and to hold, all and singular the above
 mentioned and described premises together with the appurten-
 ances unto the said party of the second part his heirs and
 assigns forever. The Witnesseth that the said party of the first
 part has hereunto set his hand and seal the day and year
 first above written Thomas D. Winto. (Seal) Signed sealed
 and delivered in the Presence of J. A. Gilmore State of

This Indenture, Made this 6th day of December in the year of our Lord one thousand eight hundred and ninety seven, BETWEEN N. E. Dodge and Serena Dodge his wife of Monterey County, State of California

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the parties of the first part, and N. C. Gury of San Benito County, State of California the party of the second part,

Witnesseth, That the said party of the first part, for and in consideration of the sum of Ten Dollars Gold Coin, of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold conveyed, and confirmed

and by these presents do grant, bargain and sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Monterey, State of California, and bounded and particularly described as follows, to-wit: The west half of the North East quarter and the East half of North West quarter of Sec 19 T. 24 S. R. 12 E. M. d. n. C. n. containing 160 acres of land.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To Have and to Hold all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and delivered in the presence of

N. E. Dodge [SEAL.]

Serena Dodge [SEAL.]

(Seal!)
(Seal!)

STATE OF CALIFORNIA,
COUNTY OF San Benito } ss.

On this 8th day of December in the year of our Lord one thousand eight hundred and ninety seven before me, H. W. Scott, a Notary Public in and for said County of San Benito, State of California, residing therein, duly commissioned and sworn, personally appeared N. E. Dodge and Serena Dodge his wife known to me to be the persons described in and whose names are subscribed to the within instrument, and acknowledged that they executed the same. In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written. H. W. Scott Notary Public in and for San Benito County, State of California (Notarial Seal)

BOOK 53 DEEDS PG 358

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This Indenture, Made this fourth day of April, A.D. 1900
in the year of our Lord, one thousand eight hundred and ninety
of Monterey County, State of California Between John T. Reasons

the part y of the first part, and Jeremiah Hayden of Morris County
State of New Jersey the part y of the second part.

Witnesseth, That the said part y of the first part, for and in consideration of the sum of Four
Hundred and Eighty Dollars and no Cents of the United States of America, to him in hand
paid by the said part y of the second part, the receipt whereof is hereby acknowledged has granted,
bargained and sold, conveyed and confirmed, and
by these presents does grant, bargain and sell. — convey and confirm unto the said part y
of the second part and to his heirs and assigns forever, all that certain lot — piece — or parcel — of land
situate, lying and being in the

County of Monterey, State of California, and bounded, and particularly described as follows, to-wit:
the South East Quarter of the North West Quarter and the South West
Quarter of the North East Quarter of Section Twenty (20) in Township
Twenty-four (24) South Range Twelve (12) East of Mount Diablo
Mexican Containing 80 acres.

U. S.
INT. REV.
STAMPS
50¢

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise
appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.
to have and to hold all and singular the said premises, together with the appurtenances, unto the said part y of
the second part, and to his heirs and assigns forever

In Witness Whereof, the said part y of the first part has hereunto set his hand — and seal —
the day and year first above written.

Signed, sealed and delivered in the presence of
G. Webster } John T. Reasons (Seal.)

State of California,
County of San Luis Obispo } ss.
On this 4th day of April in the year of our Lord, one thousand
nine hundred and zero, James Webster, a Notary Public in and
for said County and State, rendering therein, duly commissioned and
sworn, personally appeared John T. Reasons known to me to
be the person described in and whose name is subscribed to the
within instrument, and acknowledged to me that he executed
the same, in witness whereof I have hereunto set my
hand and official seal this 4th day and year
in this certificate first above written, James Webster
Notary Public in and for San Luis Obispo County,
State of California.
(Notarial Seal)

Recorded at the request of John T. Reasons on the 5 day of April
1900. at 2 minutes past 1 o'clock P. M.

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This Indenture, made this 7th day of October 1902, in the year of our Lord, One Thousand Nine Hundred

Between Jeremiah Hayden and Sarah E. Hayden of the County of Santa Clara, State of New Jersey

the parties of the first part, and James Lambly of the State of California

the party of the second part.

Witnesseth: That the said party of the first part, for and in consideration of the sum of Seventy Five Dollars 75.00 of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged and the parties hereto have been advised and consented and by these presents do grant, bargain, and sell convey, and confirm unto the said party of the second part, and to his heirs and assigns forever, all the and certain lot, piece or parcel of land situate, lying and being in the County of Monterey, State of California, and bounded and particularly described as follows, to wit:

The south East quarter of the North West quarter and the south West quarter of the North East quarter of Section Twenty Seven Township Twenty Four South Range Twelve East, Mount Diablo Meridian.

BOOK 71 DEEDS Pg. 236

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To Have and to Hold, all and singular, the said premises, together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever.

In Witness Whereof the said party of the first part has hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

E. A. Duayle

E. F. Dwyer

Notary Public
STATE OF CALIFORNIA,
COUNTY OF Monterey

Jeremiah Hayden
Sarah E. Hayden

On this third day of September in the year of our Lord one thousand nine hundred and two before me Edward A. Duayle, a Notary Public in and for the State of New Jersey duly commissioned and qualified personally appeared Jeremiah Hayden and Sarah E. Hayden known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same for the said Sarah E. Hayden, wife of the said Jeremiah Hayden, and that she executed the same without the influence of the said Jeremiah Hayden, and that she acknowledged the contents of the instrument and that she executed the same freely and that she does not wish to retract even in execution. E. A. Duayle Notary Public of New Jersey.

Recorded at the request of G. A. Trevelyan

64

1902, at 9 minutes past 9 o'clock a m.

on the

7

day of

69

This Indenture, Made the 12th day of November in the year of our Lord one thousand nine hundred and seven.

Between Francis H. Penfield sometimes known as F. H. Penfield

the part of the first part, and Guy O. Penfield and Henrietta M. Penfield, his wife,

the part of the second part.

Witnesseth: That the said part of the first part, for, and in consideration of the sum of One Thousand Dollars gold coin of the United States of America to her in hand paid by the said part of the second part the receipt whereof is hereby acknowledged

do hereby by these presents grant, bargain, sell, convey and confirm unto the said part of the second part, and to their heirs and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Monterey, State of California, and bounded and particularly described as follows to-wit:

The west half of the southeast quarter and the southeast quarter of section twenty-two Township thirty-four South Range Twelve East M.D.M. containing 60 acres.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof

To Have and to Hold, all and singular, the said premises, together with the appurtenances, unto the said part of the second part, and to their heirs and assigns forever

In Witness Whereof, the said part of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Francis H. Penfield

State of California,

County of Los Angeles

On this 13th day of November in the year one thousand nine hundred and seven, before me, Rosalie H. Thowbridge a Notary Public in and for said County, residing therein, duly commissioned and sworn, personally appeared Francis H. Penfield known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same. Witness my hand and official seal. Rosalie H. Thowbridge Notary Public in and for said County of Los Angeles. (Notarial Seal.)

BOOK 102 DEEDS PG 143

This Indenture, Made the 17 day of May one thousand nine hundred and eight

Between James Gamby and Georgina Gamby, husband and wife
County of San Luis Obispo, California

the parties of the first part, and

James L. Lyman and William J. Monterey
County, California

the parties of the second part.

Witnesseth: That the said parties of the first part, for and in consideration of the sum of Eight hundred Dollars United States of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged.

that by these presents, grant, bargain, and sell convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Monterey, State of California, and bounded and particularly described as follows to-wit:

The South East quarter of the North West quarter and the South West quarter of the North East quarter of Section Twenty in Township Twenty four (24) South of Range Twelve (12) E.M. 3M.

BOOK 102 DEEDS PG 465

Together with all and singular, the tenements, hereditaments and appurtenances therunto belonging, or in anywise appertaining, and the recreation and recreations, remainder and remainders, rents, issues and profits thereof.

To Have and to Hold, all and singular, the said premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever.

In Witness Whereof, the said parties of the first part have hereunto set their hand and seal, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

A. H. Gray

James Gamby

Georgina Gamby

State of California,

County of San Luis Obispo

On this 17 day of May in the year of our Lord one thousand nine hundred and eight before me, A. H. Gray, a Notary Public in and for said County and State residing therein, duly commissioned and sworn, personally appeared James Gamby and Georgina Gamby husband and wife known to me to be the persons described in whose names are subscribed to the within instrument, and acknowledged to me that they executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal this day and year in this Certificate first above written. A. H. Gray, Notary Public in and for San Luis Obispo County, State of California. (Notarial Seal)

Recorded at the request of Mrs. A. J. Sullivan on the 24 day of June, A.D. 1908, at 3 min. past 4 o'clock P.M. in Vol. 102 of Deeds, page 465, Monterey County Records. Recorder. By Deputy Recorder.

nine Hundred and nine, before me, E.C. Smith, a Notary Public, in and for said County and State, residing therein, duly commissioned and sworn, personally appeared A. Lee known to me to be the person whose name is subscribed to the within instrument and he acknowledged to me that he executed the same. IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal at my office in the City of Pacific Grove, County of Monterey, the day and year in this certificate first above written. *E.C. Smith* Notary public in and for Monterey County, State of California. (Notarial Seal)

Recorded at the Request of Bank of E. Cooke Smith November 10th A.D. 1909 at 4 min. past 9 o'clock A.M.

BOOK 111 DEEDS PG 72

W.B. HOWE et ux
TO
D. FIRANZI

THIS INSTRUMENT, Made the 30th day of October in the year of our Lord nineteen hundred and nine between W.B. Howe and Clara B. Howe, his wife of the County of Santa Clara State of California, the parties of the first part, and D. Firanzi of the County of Monterey State of California, the party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Twelve Hundred Dollars Gold Coin of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all that certain lot, piece, or parcel of land, situate, lying and being in the County of Monterey State of California, and bounded and particularly described as follows, to wit:

The southeast quarter of section seven (7), in Township twenty-four (24) south of range twelve (12) east of Mount Diablo Meridian in the district of lands, subject to sale at San Francisco, California, containing one hundred and sixty acres of land.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining. TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever. IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands the day and year first above written.

Signed, Executed and Delivered in) W.B. Howe
the presence of E.K. Rosenthal) Clara B. Howe

STATE OF CALIFORNIA,)
(SS
County of Santa Clara)

On this 30th day of October in the year one thousand nine hundred and nine before me, E.K. Rosenthal, a Notary public in and for the said County of Santa Clara, residing therein, duly commissioned and sworn, personally appeared W.B. Howe and Clara B. Howe, his wife, known to me to be the persons described in whose names are subscribed to, and who executed the within instrument, and acknowledged to me that they executed the same.

WITNESS my hand and official seal, at my office in said County of Santa Clara, the day and year first above written.

(Notarial Seal)

E.K. Rosenthal, Notary public in and for
Santa Clara County, State of California.

Recorded at the Request of D. Firanzi (Grantee) November 10th 1909 at 5 min. past 9 o'clock A.M.

BOOK 111 DEEDS Pg 93

D. FRANZI : THIS INSTRUMENT, Made the 16th day of November one thousand nine hun-
 -To- : dred and nine BETWEEN D.Franzi of the County of Monterey, State of Cal-
 P.C. FRANZI : ifornia, the party of the first part, and P.C.Franzi of the County of Mon-
: terey, State of California, the party of the second part, WITNESSETH:

That the said party of the first part, in consideration of the sum of Ten Dollars, Gold Coin of the United States of America, to him in hand paid, by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain and sell, unto the said party of the second part, and to his heirs and assigns, forever: all that certain lot, piece or parcel of land situate in the County of Monterey, State of California, and bounded and described as follows, to-wit:

The southeast quarter of section seven (7), in Township twenty-four (24) south of range twelve (12) east of Mount Diablo Meridian in the District of lands, subject to sale at San Francisco, California, containing one hundred and sixty acres of land.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging, or appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns for ever

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand the day and year first above written. D.Franzi

Signed and Delivered in)
 the Presence of R.L.Perry)

STATE OF CALIFORNIA,)
 County of San Luis Obispo) ss.

On this 16 " day of November in the year One Thousand Nine Hundred and Nine before me, R.L.Perry a Notary Public in and for the County of San Luis Obispo personally appeared D Franzi known to me to be the person whose name is subscribed to the within instrument, and he duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my office in the County of San Luis Obispo the day and year in this certificate first above written. R.L.Perry Notary Public, in and for the County of San Luis Obispo State of California

(Notarial Seal)

FRANK BRAZIL

THIS INSTRUMENT, made this twentieth day of April A.D. 1910

TO

BE Frank Brazil unmarried, of Monterey County, State of California,

D. FIRANZI

the party of the first part, and D. Firanzi and F.C. Firanzi, both of

(et al)

the same County and State, the parties of the second part, WITNESSETH,

That the said party of the first part, for and in consideration of the sum of TEN Dollars, lawful money of the United States, of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents grant bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Monterey, State of California, and bounded and particularly described as follows to wit:

The North-east quarter of Section Eighteen, in Township Twenty-four South of Range Twelve, East of Mount Diablo Meridian, containing 150 acres of land.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year first above written.

Signed, Sealed and Delivered)
in the Presence of)
E.M. Fennett.)

Frank Brazil (Seal).

----- (Seal).

----- (Seal).

----- (Seal).

STATE OF CALIFORNIA,)
(co.
County of San Luis Obispo.)

On this 20th day of April in the year of our Lord one thousand nine hundred and ten before me, E.M. FENNETT, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Frank Brazil, known to me to be the person described in and whose name is subscribed to the within instrument, and who acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal

the day and year in this certificate first above written.

E.M. Fennett, Notary Public in and for said

County of San Luis Obispo, State of California.

(Notarial Seal).

Filed for Record at the Request of Citizens Bank of Paso Robles, April 21st, A.D. 1910 at

15 min. past 9 o'clock A.M.

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GUY P. PENFIELD

TO

HENRIETTA M. PENFIELD

THIS INDENTURE, Made the 24th day of April

one thousand nine hundred and eleven BETWEEN Guy P. Penfield
of Monterey County State of California the party of the

first part and Henrietta M. Penfield of Monterey County State

of California the party of the second part, WITNESSETH: That the said party of the first part, in consideration of the sum of Ten Dollars, Gold Coin of the United States of America, to him in hand paid, by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain and sell, unto the said party of the second part, and to her heirs and assigns, forever; all that certain lot, piece or parcel of land situate in the County of Monterey, State of California and bounded and described as follows, to-wit:

The West half of the South East quarter and the east half South West quarter of Section seventeen (17), Township Twenty four (24) South of Range Twelve (12) East of Mount Diablo Meridian and containing one hundred and Sixty (160) acres more or less according to the Government survey thereof.

TOGETHER with the tenements, hereditaments, and appurtenances, thereunto belonging, or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns forever

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand the day and year first above written.

Signed and Delivered in the Presence of

Guy P. Penfield

R.L. Perry

STATE OF CALIFORNIA,

} SS

County of San Luis Obispo)

On this 24th day of April, in the year One Thousand Nine Hundred and Eleven before me, R.L. PERRY, a Notary Public, in and for the County of San Luis Obispo, personally appeared Guy P. Penfield known to me to be the person whose name is subscribed to the within instrument, and he duly acknowledged to me that he executed the same;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal.

at my office in the County of San Luis Obispo, the day and year in

this certificate first above written.

(Notarial Seal)

R.L. Perry, Notary Public, in and for the County of

San Luis Obispo, State of California.

unto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. And also all the estate, right, title, interest, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in, or to the above described premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written. Mary S. Calhoun (SEAL) P.P. Calhoun (SEAL) Signed, Sealed, and Delivered in the Presence of, A. Curtis Anderson) STATE OF CALIFORNIA County of Monterey) SS. On this 14th day of August A.D. One Thousand Nine Hundred and twelve, before me, A. Curtis Anderson a Notary Public, in and for the said County of Monterey...State of California, residing therein, duly commissioned and sworn, personally appeared Mary S. Calhoun, P.P. Calhoun...Known to me to be the person described in and whose name is subscribed to the within instrument, and she acknowledged to me that she executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written. A. Curtis Anderson, Notary Public in and for said County of Monterey..State of California (Notarial Seal)

Recorded at the Request of Monterey County Abstract Company, September 10th A.D.-1912 at 6 min. past 1 o'clock P.M.

BOOK 125 DEEDS Pg 390

GUY P. PEMFIELD
et ux
TO

RICHARD WITTY
et ux

THIS INDENTURE, made this Thirty-first day of August, A.D., 1912 BETWEEN GUY P. PEMFIELD and HENRIETTA M. PEMFIELD, his wife, of the County of Monterey, State of California, the parties of the first part, and RICHARD WITTY and CAROLINE WITTY, his wife, of the City and County of San Francisco, State of California, the parties of the second part, WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars, Gold Coin of the United States of America, to them paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed and by these presents do...grant, bargain, sell and convey unto the said parties of the second part and to their heirs and assigns forever, all that certain lot, piece...or parcel...of land, situate, lying and being in the...County of Monterey..State of California, and bounded and particularly described as follows, to-wit:

The West Half of the Southeast Quarter and the East Half of the Southwest Quarter of Section Seventeen (17), Township Twenty-four (24), South of Range Twelve (12) East, Mount Diablo Meridian, and containing One Hundred and Sixty (160) acres, more or less, according to the Government Survey thereof.

C5.
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for the said County, residing therein, duly commissioned and sworn, personally appeared Madelina Wilson and Guy C. Wilson, husband & wife, known to me to be the persons whose names are subscribed to the within instrument, and they duly acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my office in the said County of Santa Cruz, the day and year in this certificate first above written. R.H. Hudson, Notary Public in and for the County of Santa Cruz, State of California.. (Notarial Seal)

Filed for Record at the Request of R.H. Hudson.. November 4th 1912 at 30 min. past 2 o'clock P.M.

BOOK 127 DEEDS PG 119

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA.

IN AND FOR THE COUNTY OF SANTA CLARA.

--oOo--

IN THE MATTER OF THE ESTATE

OF

J.L. STULL. (also known as
Judson L. Stull). Deceased.

--oOo--

--:DECREE OF DISTRIBUTION:--

Helena Stull, the executrix of the last will and testament of J.L. Stull, also known as Judson L. Stull, deceased, having, on the 19th day of October, 1912, filed in this court her petition for distribution together with her first and final account of her administration of said estate, and the said petition for distribution setting forth, among other things, that said estate is now in a condition to be closed; that a portion of said estate remains to be divided among the legatees of said deceased, and praying that said residue be distributed to the parties entitled thereto; and said matter coming on regularly to be heard on the 1st day of November 1912, this court proceeds to the hearing of said petition, and it appearing to the satisfaction of the court that the clerk duly fixed the time and place of the hearing of said petition for distribution and said first and final account and give due notice thereof as required by law; that said first and final account has been finally settled; that all the taxes upon the property of said estate have been fully paid; that the duly appointed, qualified and acting inheritance tax appraiser of the State of California, in and for the County of Santa Clara, has made and filed in this matter his appraisal of the property of said estate, and his report fixing the inheritance tax in this matter, and the above entitled court having heretofore made its order fixing said inheritance tax, due from said estate and the distributees thereof, and said inheritance tax so found due and payable from the said estate, and the distributees thereof, having heretofore been paid in full, and that there is now no inheritance tax due or payable from said estate or any distributees thereof; that

consisting of the property hereinafter particularly described, is now ready to be distributed, and that said estate is now in a condition to be closed.

And it further appearing that the residue of said estate is the community property of said deceased, and said Helena Stull, his widow; that said J.L. Stull died testate in the County of Santa Clara, California, on the 15th day of April, 1911, leaving him surviving the following heirs at law, to-wit:

Helena Stull, the widow of said decedent, residing in the City of San Jose, County of Santa Clara, California.

Karl M. Stull, Floyd A. Stull and Robert J. Stull, sons of said decedent, all of whom reside in said City of San Jose, County of Santa Clara, California.

That by the last will and testament of said deceased, which was duly admitted to probate herein on the 13th day of October, 1911, said deceased devised and bequeathed his whole estate to the persons and in the proportions and manner in said will specified, to the following named devisees and legatees, to-wit:

To D.M. Stull, a brother of said deceased, the sum of \$1000.00.

To Floyd A. Stull, a son of said deceased, the sum of \$1000.00

To Karl M. Stull, a son of said deceased, the sum of \$1000.00

To Robert J. Stull, a son of said deceased, the sum of \$1000.00

To Helena Stull, the widow of said deceased, all the rest and residue of said estate, being hereinafter described.

That D.M. Stull is entitled to have distributed to him the sum of \$1000.00.

That Floyd A. Stull is entitled to have distributed to him the sum of \$1000.00

That Karl M. Stull is entitled to have distributed to him the sum of \$1000.00

That Robert J. Stull is entitled to have distributed to him the sum of \$1000.00

That Helena Stull is entitled to have distributed to her all the rest and residue of said estate of said deceased, which is hereinafter particularly described and set forth, and also any and all property belonging to said deceased, or said estate, and now not in the hands of, or known to, said executrix.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the residue of said estate of said decedent, hereinafter particularly described and now remaining in the hands of said executrix, be distributed as follows, to-wit:

To D.M. Stull, the sum of \$1000.00

To Floyd A. Stull, the sum of \$1000.00

To Karl M. Stull, the sum of \$1000.00

To Robert J. Stull, the sum of \$1000.00

To Helena Stull, all the real and personal property, hereinafter described and referred to, to-wit:

All that certain piece or parcel of land situate, lying and being in the City of San Jose, County of Santa Clara, State of California, and particularly described as follows, to-wit:

Commencing at a point on the Easterly line of First Street distant Two hundred and eighty-eight and 75/100 (288.75) feet Northerly from the point where the Northerly line of the lands of the Central Pacific Railroad Company intersects said Easterly line of First Street, running thence Northerly along said line of First

Easterly One hundred and fifty (150) feet; thence at right angles Southerly One hundred and twenty-three and 75/100 (123.75) feet. and thence at right angles Westerly One hundred and fifty (150) feet to the point of commencement.

All that certain piece or parcel of land situate, lying and being 'n the County of Santa Clara, State of California, and described as follows, to-wit:

Lot 4 of Block 91 of Section P, as designated upon the Map of Oak Hill Cemetery.

All that certain piece or parcel of land situate, lying and being in the County of Monterey, State of California, bounded and particularly described as follows, to-wit:

West half (W.1/2) of the South West quarter (S.W.1/4) of Section Eight (8) and the West one-half (W.1/2) of the North West quarter (N.W.1/4) of Section Seventeen (17) in township twenty-four (24), South of Range Twelve (12) East of Mount Diablo base and Meridian and containing (160) One hundred and sixty acres.

An undivided one-half interest in and to all that certain lot, piece or parcel of land situate, lying and being in the City and County of San Francisco, State of California, and bounded and described as follows, to-wit:

Commencing at a point on the southeasterly line of Market Street, distant thereon one hundred feet (100) northeasterly from the northeasterly line of Second Street; thence running northeasterly and along the southeasterly line of Market Street forty (40) feet; thence at a right angle southeasterly one hundred fifty-five (155) feet to the northwesterly line of Stevenson Street; thence at a right angle southwesterly and along the northwesterly line of Stevenson Street forty (40) feet; thence at a right angle northwesterly one hundred and fifty-five (155) feet to the southeasterly line of Market Street and the point of commencement. Being a part of 100 vara lot number twenty-one (21).

PERSONAL PROPERTY: An undivided one-half interest in the mercantile business known as Stull and Sonniksen, located at No. 40 South First Street, San Jose, California; one bond of the Scottish Rite Temple, being bond No.5; a certain promissory note made by Clair Cottle and Bessie M. Shirley and payable to J.L. Stull for the principal sum of \$200, and being dated November 15th, A.D.1909; twenty four shares of the capital stock of the Twentieth Century Company, represented by certificate No. A.564; 205 shares of the capital stock of the Conservative Realty Company, represented by Certificates Nos. 1, 14, 32, 56, 73, 109 and 126; 600 shares of the capital stock of The Golden West Tunnel Mining and Milling Company; 20 shares of the capital stock of the Nucleus Building and Loan Society, represented by Certificate 620; 5 shares of the South Bay Yacht Club, represented by Certificate No.46; 100 shares of the capital stock of the Monte Cristo Oil Development Company, represented by Certificate 871.; 350 shares of the capital stock of the Fig Prune Cereal Company, represented by Certificates Nos. 305, 281, 282, 283, 284 and 285; 687 shares of the Capital stock of Hotel Vendome Company, represented by Certificates No. 38; 50 shares of the capital stock of The Garden City Bank and Trust Company, represented by Certificates Nos. 328, 332, 356, 362 and 410; 55 shares of the capital stock of the Masonic Hall Association, represented by Certificates Nos. 49, 60 and 91; 1553 shares of the Madsen Furniture Company, represented by Certificates No.....

action, and all property of any kind or nature belonging to said decedent, or the estate of said decedent, and now not known to or in the hands of the said executrix; it being the intention that all property of said decedent, not herein specifically set forth, shall, by this decree, become and be vested in said Helena Stull.

Done in open court this 1st day of November, A.D., 1912. P.F. Guseby Judge.
Endorsed.. "Filed Nov 1, 1912 Henry A. Pfister.. Clerk By.. W. Denker.. Deputy."
STATE OF CALIFORNIA, COUNTY OF SANTA CLARA.) SS. I, HENRY A. PFISTER, County Clerk of the County of Santa Clara, State of California and Clerk of the Superior Court in and for said County, do hereby certify the annexed to be a true, full, and correct copy of the original Order and Decree of Final Distribution in the matter of the Estate of J.L. Stull (also known as Judson L. Stull) deceased... now of record and on file in said Court. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Superior Court, this 1st day of November, A.D. 1912 Henry A. Pfister Clerk By Thos. G. Griffith... Deputy Clerk (Court Seal)

Recorded at the Request of A.A. Caldwell.. November 6th A.D. 1912 at 4 minutes past 9 A.M.

MARY B. MELVILLE

TO

WILLIAM S. FULLER
et al

THIS INDENTURE, Made this 9th day of

May 1912 Between Mary B. Melville of Salinas, Cal., party of the first part, and William S. Fuller, Harry J. Lind and David Lind of San Francisco Cal. and Salinas Cal., parties

of the second part. WITNESSETH: That the said party of the first part for and in consideration of Five Dollars legal tender of the United States of America to her in hand paid and for other considerations the receipt whereof are hereby acknowledged, does by these presents grant, bargain, sell, convey and confirm unto said parties of the second part, and to their heirs and assigns forever, all her right, title and interest in and to those certain lots, pieces or parcels of land situate in the Los Burros Mining District in the County of Monterey and State of California, and more particularly described as follows, to wit:

The quartz and placer mining claims known as the Setting Sun quartz, Setting Sun Placer, Sun quartz and Co-Ron quartz claims and known as the "Setting Sun" or "Mountain of Gold Mining Company" group of mining claims, together with all minerals and mineral veins, lodes or deposits contained therein or thereon, and all timber growing within the limits of said claims and all improvements thereon or therein; also all water and water privileges appurtenant thereto, and all buildings and improvements thereon. Also releasing and relinquishing her community rights (as between husband and wife) in and to said abovementioned claims.

To Have and To Hold, all and singular the said premises, unto said parties of the second part and to their heirs and assigns forever.

In Witness Whereof, the said party of the first part has hereunto set her hand and seal the day and year first above written. Mary B. Melville (SEAL) Signed, sealed and delivered in the presence of W.S. White...

STATE OF CALIFORNIA, County of Monterey) SS. On this 9th.. day of May in the year One Thousand Nine Hundred and twelve before me, JOHN J. KELLY, a Notary Public in and

BOOK 134 DEEDS Pg 321

SADIE E. BERGER, .
-TO- et vir- .

CARLO GARELLI .
.....

THIS INDENTURE, Made the nineteenth day of
AUGUST..one thousand nine hundred and FOURTEEN..BETWEEN
SADIE C. BERGER, OF SAN MIGUEL, SAN LUIS OBISPO COUNTY,
STATE OF CALIFORNIA..the party of the first part, and

CARLO GARELLI, OF SAN MIGUEL, SAN LUIS OBISPO COUNTY, STATE OF CALIFORNIA..the
party of the second part, WITNESSETH, That the said party of the first part, in
consideration of the sum of TEN 00/100 Dollars, GOLD COIN of the United States of
America, to HER in hand paid, by the said party of the second part, the receipt
whereof is hereby acknowledged, does by these presents, grant, bargain, and sell,
unto the said party of the second part, and to his heirs and assigns, forever; all
that certain lot, piece or parcel of land situate in the County of Monterey.

State of California..and bounded and described as follows, to-wit:

The west one half of the southwest one quarter of Section (17) seventeen
and the East one half of the South east one quarter of section (18) eighteen in
Township (24) twenty four, South of Range twelve, East N.D.M. Containing One
hundred and sixty acres of land.

TOGETHER with the tenements, hereditaments, and appurtenances, thereunto
belonging, or appertaining, and the reversion and reversions, remainder and re-
mainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances, unto
the said party of the second part, and to his heirs and assigns forever...

IN WITNESS WHEREOF, the said party of the first part has hereunto set her
hand the day and year first above written.

Signed and Delivered in the
Presence of.....

SADIE C. BERGER
JOHN B. BERGER

STATE OF CALIFORNIA.)
COUNTY OF SAN LUIS OBISPO.) ss.

On this 19th day of August in the year one
thousand, nine hundred and fourteen A.D., before me, T. P. CORHAM a Notary Public
in and for said County of San Luis Obispo, State of California, residing herein,
duly commissioned and sworn, personally appeared SADIE C. BERGER & JOHN B. BERGER,
her husband,, personally known to me to be the persons whose name they subscribed
to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
the day and year in this certificate first above written .

(Notarial Seal)

T. P. CORHAM..Notary Public in and for San Luis Obispo
County, State of California.

Filed for Record at the Request of CITIZENS BANK OF PASO ROBLES...August 20th. A.D.
1914, at 2 min. past 9 o'clock, A. M.

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STATE OF CALIFORNIA,)
COUNTY OF MONTEREY.) SS.

On this Second day of October...., 1917, before me, J.Sherman Woolf...., a Notary Public in and for the County of Monterey, State of California, residing therein duly commissioned and sworn, personally appeared T.A.Work and C.A.Metz....known to me to be the President and the Secretary, respectively, of THE FIRST NATIONAL BANK OF MONTEREY, the corporation described in and which executed the within instrument, and also known to me to be the persons who executed the instrument on behalf of the corporation therein named, and they acknowledged to me that said corporation executed the same. WITNESS my hand and official seal at my office in the City of Monterey, the day and year first above written. J.Sherman Woolf, Notary Public in and for the County of Monterey...State of California...(Notarial Seal)

Filed for Record at the Request of Evagelos D.Kontamnis Oct 25 1917 at 2 min. past 9 o'clock A.M.

BOOK 152 DEEDS PG 155

H.C.MORRIS CO.

TO

D.FIRANZI

THIS INDENTURE, Made the Twentieth

day of October...one thousand nine hundred and

SEVENTEEN. BETWEEN H.C.MORRIS CO., a corporation

organized and doing business under the laws of

State of California, and having its principal place of business at City of Oakland, the party of the first part, and D.FIRANZI... the party of the second part,

WITNESSETH: That the said party of the first part in consideration of the sum of Ten (\$10).....Dollars, Gold Coin of the United States of America, to it in hand paid, by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain and sell, unto the said party of the second part, all that certain lot, ... piece... or parcel of land situate in the County of Monterey...., State of California, and bounded and described as follows, to-wit:

Lots three and four and the east 1/2 of the Southwest Quarter (1/4) of Section Eighteen (18) Township Twenty-four (24) South of Range Twelve (12) East,

at Diablo Meridian, containing One Hundred Sixty (160) acres, more or less.

TOGETHER with the tenements, hereditaments and appurtenances thereunto
belonging, or appertaining, and the reversion and reversions, remainder and
remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances,
unto the said party of the second part, and to his heirs and assigns forever,
subject, however, to all taxes for the fiscal year beginning July 1, 1917, and
which said second party hereby assumes and agrees to pay.

IN WITNESS THEREOF, the party of the first part, by resolution of its Board
of Directors has caused its President to sign its corporate name hereunto, and
its Secretary to affix its corporate seal the day and year first above written.

H.C. MORRIS CO.,

BY H.C. Morris
President.

(Corporate Seal)

AND BY M.E. GLAVIN
Secretary.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } SS.

On this 22nd day of October, in the year of our
Lord One Thousand Nine Hundred and Seventeen, before me E.J. Jones..., a Notary
Public in and for the County of Alameda, State of California, personally
appeared H.C. Morris and M.E. Glavin... known to me to be the President and
Secretary.... of the corporation who executed the annexed instrument, and also
known to me to be the persons who executed it on behalf of the corporation
therein named, and they acknowledged to me that such corporation executed the
same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official
Seal at my office in :..... County of Alameda, State of California, the day
and year in this Certificate first above written. E.J. Jones Notary Public in
and for said County of Alameda, State of California... (Notarial Seal)

Filed for Record at the Request of Citizens Bank of Paso Robles Oct 25 1917 at 8
min. past 9 o'clock, A.M.

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E. G. CAMPBELL
et ux

DEED

TO

HENRY GARRELLI
et al

THIS INDENTURE, Made this 16th. day of September in
the year of our Lord, One Thousand Nine Hundred and Eighteen
Between E. G. Campbell and Clara B. Campbell (his wife) both

U.S.
INT. REV.
STAMPS
50 cts
Committed

of Alameda County, State of California the parties of the first part, and Henry
Garrelli and Battista Garrelli both of Monterey County, State of California the
parties of the second part.

WITNESSETH, that the said parties of the first part, for and in consider-
ation of the sum of Ten (\$10) Dollars, in gold coin of the United States of
America, to them in hand paid by the parties of the second part, at or before the
executing and delivery of these presents, the receipt whereof is hereby acknow-
ledged, have granted, bargained, sold and conveyed, and by these presents do
grant, bargain, sell and convey unto the said parties of the second part, and to
their heirs and assigns forever.

ALL that certain lot, piece or parcel of land, situate, lying and being in
the County of Monterey, State of California and bounded and particularly des-
cribed as follows, to-wit:

West Half of the Southeast Quarter of Section Eighteen (18) in Township
Twenty-four (24) South Range Twelve (12) East of Mount Diablo Base and Meridian,
containing Eighty (80) Acres of Land, according to the United States Government
survey thereof.

TOGETHER with all and singular the tenements, hereditaments and appurten-
ances thereunto belonging or in anywise appertaining, and the reversion and re-
versions, remainder and remainders, rents, issues and profits thereof. And also
all the estate, right, title, interest, possession, claim and demand whatsoever
as well in law as in equity, of the said parties of the first part, of, in, or to
the above described premises, and every part and parcel thereof, with the appur-
tenances.

TO HAVE AND TO HOLD, all and singular the above mentioned and described pre-
mises, together with the appurtenances, unto the said parties of the second part,
their heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set
their hands and seals the day and year first above written.

Signed, Sealed and Delivered)

in the Presence of

E. G. CAMPBELL (SEAL)

CLARA B. CAMPBELL (SEAL)

STATE OF CALIFORNIA,

COUNTY OF ALAMEDA.

On this 16th day of September A. D. One Thousand Nine Hundred and Eighteen
before me, G. C. MARTIN, Notary Public in and for the said County of Alameda,
State of California, residing therein, duly commissioned and sworn, personally
appeared E. G. Campbell and Clara B. Campbell (his wife) known to me to be the
persons described in and whose name are subscribed to the within instrument,
and they acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal, the day and year above written. (Notarial Seal)

G. C. MARTIN

Notary Public in and for said County of Alameda, State of Cal-

BOOK 161 DEEDS PG 429

J. E. HUNTER
(Tax Col.)
TO
D. FIRANZI

THIS INDENTURE, Made the 10th. day of March 1919,
between J. E. Hunter, Tax Collector of the County of
Monterey, State of California, first party, and
D. Firanzi of San Miguel, of the County of Monterey,

State of California, second party, witnesseth:

THAT WHEREAS, The real property hereinafter described was duly sold and
conveyed to the State of California for the non-payment of taxes which had
been legally levied and which were a lien upon said property under and in
accordance with law;

AND WHEREAS, In conformity with law the State of California, acting by
and through J. E. Hunter, tax collector as aforesaid, did offer said property
hereinafter described, for sale at public auction to the highest bidder, at
which sale said second party became the purchaser of the whole thereof for
the sum of \$630.00.

\$1.00

NOW, THEREFORE, The said first party in consideration of the premises
and in pursuance of the statute in such case made and provided, does hereby
grant to the said second party, his heirs and assigns, that certain real
property hereinbefore referred to, and situate in the County of Monterey,
State of California, more particularly described as follows, to-wit:

NW $\frac{1}{4}$ of section 18, Township 24, S. R. 12 E; M. D. N.

IN WITNESS WHEREOF, Said first party has hereunto set his hand the day
and year first above written.

J. E. HUNTER
Tax Collector of the County of Monterey

STATE OF CALIFORNIA,
(ss.
COUNTY OF MONTEREY,)

On this 10th. day of March 1919, before me, T. P. Joy, County Clerk and
ex-officio Clerk of the Superior Court of the County of Monterey, State of
California, personally appeared the within named J. E. Hunter, personally
known to me to be the Tax Collector of said County of Monterey, whose name
is subscribed to the annexed instrument as a party thereto, and personally
known to me to be the individual described in and who executed the foregoing
instrument, and subscribed his name thereto as Tax Collector, and he duly
acknowledged to me that he executed the same freely and voluntarily and as

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situated in the County of Monterey, State of California, and therein described, together with the appurtenances. Special reference being hereby made to said DEED OF TRUST, and the record thereof for a particular description of said lands.

TO HAVE AND TO HOLD the same, without any warranty, unto the said D. PIRANZI and MARIA PIRANZI, his wife, their heirs and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this Fifth day of November, 1919.

H. C. MORRIS (SEAL)
(TRUSTEE)
A. E. BURDICK (SEAL)
(TRUSTEE)

STATE OF CALIFORNIA,)
(SS.
COUNTY OF ALAMEDA.)

On this 5th day of November, in the year of our Lord One Thousand Nine Hundred and Nineteen, before me, E. J. JONES, a Notary Public in and for the County of Alameda, State of California, residing therein, duly commissioned and sworn, personally appeared H. C. Morris and A. E. Burdick, Trustees, known to me to be the persons described in and whose names are subscribed to the within instrument, as Trustees and they acknowledged to me that they executed the same, as such Trustees.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my office in -- County of Alameda, State of California, the day and year in this certificate first above written. (Notarial Seal)

E. J. JONES
Notary Public in and for said County
of Alameda, State of California.

Recorded at the request of Salinas Abstract & Title Co. Nov. 12th A. D. 1919, at 20 Min. past 3 P. M.

BOOK 166 DEEDS PG 455

U. S.
INT. REV.
STAMPS
\$1.00
Cancelled

✓ R. C. GURY : THIS INSTRUMENT, Made this 23rd day of October, in the
TO : year of our Lord one thousand nine hundred and nineteen,
D. PIRANZI : Between R.C.Gury, a single man, a resident of the County of
San Benito, State of California, the party of the first part, and D.
Piransi, a resident of the County of Monterey, State of California, the
party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell, convey and confirm, unto the said party of the second part, and to his heirs and assigns forever, all the certain lot, piece or parcel of land, situate, lying and being in the County of Monterey, State

The west half of the Northeast quarter and the East half of the Northwest quarter of section nineteen, township twenty four south, Range twelve East, Mount Diablo Meridian, containing 160 acres of land.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in
the Presence of

R. G. GURY (Seal)

(Seal)

(Seal)

(Seal)

STATE OF CALIFORNIA,)
COUNTY OF SAN BENITO.) SS.

On this 23rd day of October, in the year Nineteen Hundred and Nineteen before me, George W. Jean a Notary Public in and for said County of San Benito, residing therein, duly commissioned and sworn, personally appeared R.O. Gury known to me to be the person described in and whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my office in the said County of San Benito, the day and year in this certificate first above written. (Notarial Seal)

GEO. W. JEAN
Notary Public in and for San
Benito County, California.

Recorded at the request of Salinas Abstract & Title Co. Nov. 12th A. D. 1919,
at 27 min. past 3 P. M.

✓ HELEN IRENE PARK : THIS INDENTURE, made the 5th day of November, one
TO : thousand nine hundred and nineteen Between Helen Irene
K. FRANK HENNEKEN : Park (a single woman) of the City and County of Monterey,
State of California, the party of the first part, and K. Frank Henneken of the
same County and State, the party of the second part,
WITNESSETH: That the said party of the first part, in consideration of the sum
of Ten dollars, Gold Coin of the United States of America, to her in hand paid
by the said party of the second part, the receipt whereof is hereby acknowl-
edged, do by these presents, grant, bargain, and sell unto the said party of
the second part, and to his heirs and assigns forever, all these certain lots,
pieces or parcels of land situate in the County of Monterey, State of California,

Recorded at the Request of PAUL P. PARKER, March 20, 1923, at 56 minutes past
11 o'clock A.M.

VOL. 13 OR PG 292
MARCH 20, 1923

RICHARD WITTY : THIS INDENTURE, made the sixteenth day of March, A.D. 1923,
-to- : BETWEEN RICHARD WITTY, of Indian Valley, Monterey County,
CAROLINE WITTY : State of California, the party of the first part, and
: : : : : CAROLINE WITTY, of Indian Valley, Monterey County, State of
California, the party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the love and affection which the said party of the first part has and bears unto the said party of the second part, as also for the better maintenance, support, protection and livelihood of the said party of the second part, do by these presents give, grant, alien and confirm unto the said party of the second part, and to her heirs and assigns forever, all the certain lot, piece or parcel of land, situate, lying and being in the Indian Valley, County of Monterey, State of California, and bounded and described as follows, to-wit:

Section seventeen (17), township twenty four (24), range twelve (12) south all in the Mount Diablo Base and Meridian, containing one hundred and fifty two (152) acres more or less,

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said party of the second part, her heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the
Presence of - - - - -

RICHARD WITTY (Seal)
- - - - - (Seal)

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for the County of Monterey, State of California, personally appeared Augustus Fink and Mary H. Fink, his wife, known to me to be the persons whose names are subscribed to the within instrument, and they duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the County of Monterey, the day and year in this certificate first above written. (Notarial Seal).

W. G. HUDSON
Notary Public in and for the County
of Monterey, State of California.

Recorded at the request of HARPER & LEISK June 5, 1923 at 1 min. past 9 A. M.

VOL 19 OR PG 116
JUNE 5, 1923

CAROLINE WITTY

-to-

C. U. HYLAND et al

.....
County of Monterey, State of California, the party of the first part, and
C. U. HYLAND and J. A. PETERSON, of the County of Kern, State of California, the
parties of the second part,

WITNESSETH: That the said party of the first part, in consideration of the sum of Ten and 00/100 dollars, lawful money of the United States of America to her in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged does by these presents, grant, bargain and sell unto the said parties of the second part, and to their heirs and assigns forever all that certain lot, piece or parcel of land situate in the County of Monterey, State of California, and bounded and described as follows, to-wit:

The west half of the south-east quarter and the east half of the south-west quarter of Section seventeen, in Township Twenty-four south, of range Twelve East, Mount Diablo Meridian, less the County Road and the right of way of the Stone Canyon Railway and containing 152 acres, more or less by Government and private survey thereof.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or appertaining and the reversion and reversions, remainder and re-

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THIS INDENTURE, made the Eighth day of January one thousand nine hundred and thirty four, between G. R. GIBSON, the party of the first part, and CHARLES J. BLUMENTHAL, the party of the second part.

WITNESSETH: That the said party of the first part, in consideration of the sum of One (\$1.00) dollars, lawful money of the United States of America, to him in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does hereby release and forever quitclaim unto the party of the second part, and to his heirs and assigns, all the certain lot, piece or parcel of land situate in the County of Monterey, State of California, and bounded and described as follows, to-wit:

Lots three (3) and four (4) and the east half (E $\frac{1}{2}$) of the southwest quarter (SW $\frac{1}{4}$) of section seven (7) township twenty-four (24) South, Range twelve (12) east M. D. B. & M. containing 162.04 acres of land in the County of Monterey, State of California.

TOGETHER with the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand the day and year first above written.

SIGNED AND DELIVERED IN
THE PRESENCE OF _____

G. R. GIBSON

STATE OF CALIFORNIA)
CITY AND COUNTY OF SAN FRANCISCO) SS

On this 11th day of January in the year one thousand nine hundred and thirty four, before me, D. B. RICHARDS, a Notary Public in and for said City and County, residing therein, duly commissioned and sworn, personally appeared G. R. GIBSON, known to me to be the person described in, whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the City and County of San Francisco, State of California, the day and year in this certificate first above written.

D. B. RICHARDS

Notary Public in and for the City and
County of San Francisco State of California.

Consideration less than \$100

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THIS INDENTURE, made the Fourth day of January one thousand nine hundred and thirty four, between CHARLES J. BLUMENTHAL and CAROLYN BLUMENTHAL, his wife, the parties of the first part, and MATTIE WORK, the party of the second part.

WITNESSETH: That the said parties of the first part, in consideration of the sum of Ten dollars, lawful money of the United States of America, to us in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, and sell unto the said party of the second part, and to her heirs and assigns forever, all that certain lot, piece or parcel of land situate in the County of Monterey, State of California, and bounded and described as follows, to-wit:

Lots three (3) and four (4) and east half of southwest quarter of section seven (7) in township twenty-four (24) south of range twelve (12) east of Mount Diablo Base and Meridian, containing an area of 162.04 acres of land, according to the United States Government Survey thereof.

TOGETHER with the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part, have hereunto set their hands the day and year first above written.

SIGNED AND DELIVERED IN

CHARLES J. BLUMENTHAL

THE PRESENCE OF ____

CAROLYN BLUMENTHAL

STATE OF CALIFORNIA)

SS

CITY AND COUNTY OF SAN FRANCISCO)

On this 4th day of January in the year one thousand nine hundred and thirty four, before me, D. B. RICHARDS, a Notary Public in and for said City and County, residing therein, duly commissioned and sworn, personally appeared CHARLES J. BLUMENTHAL and CAROLYN BLUMENTHAL, his wife, known to me to be the persons described in, whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, State of California, the day and year in this certificate first above written.

D. B. RICHARDS

Notary Public in and for the City and County

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APPENDIX B

County Maps by The County Board of Supervisors and/or the County Surveyor

This evidence cannot be included in this presentation in the format desired in an application as the County Maps prepared, adopted and filed in the County Surveyor's Office and/or County Clerk/Recorder's Office are approximately 3.5 X 6.5 feet in size. There are four of them. Three of the four were formally approved and adopted by the Board of Supervisors and the fourth was done by the County Surveyor without approval of the Board of Supervisors noted on the face of the map.

These maps are readily available in the County Surveyor's Office and one of them, colored, has been traditionally on display in the County Recorder's Office. They are referenced in the letter of submittal and its documentation.

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APPENDIX C

Timeline of Important and Pertinent Events

Chronological chart of legislation, conveyances and actions related to the validation of units of land submitted for Unconditional Certificates of Compliance.

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Lots 3, 4 and 5 and the Southwest quarter of the Northwest quarter of Section 6 in Township 27 South, Range 11 East, MDM

1849: California Constitution discourages holding land in large parcels.

1850: State requires each County to have an official map. [Secs. 3658, 3972, 3973, 4238, 4243 and 4246]

1874: San Luis Obispo County adopts Official Map that does not show these parcels.

1890: County Surveyor creates and copyrights a second, updated, map that also does not show these parcels.

April 20, 1892: These parcels are granted, as a tract, by the U.S. to Albert Griggs [recorded 7/28/92]

1893: State recognizes parcels shown on "map" OR "plat" by number designation

October 17, 1901: Multiple units deeded from Griggs to Herbert Horne with description as multiple parcels [recorded 10/23/01].

1903: Maps and Subdivisions recognizes that maps are "public record" if filed in the County Surveyor's Office. Also, sec. 3658a.

1907: Subdivision Map Act Sec. 1 Third recognizes corners in United States survey.

July 11, 1913: San Luis Obispo County Supervisors adopt a new map that shows these parcels by number and location.

July 14, 1913: Parcels conveyed as multiple parcels from Horne to Oscar Rhyne [recorded 7/15/13]

September 21, 1914: Parcels conveyed as multiple parcels from Rhyne to John Botts [recorded 9/22/14]

October 5, 1915: Conveyance reconfirmed due to error in Township number.

May 20, 1925: Governor signs Chapter 298 of the Political Code into law validating maps, plats and references thereto in conveyances.

January 21, 1931: Parcels conveyed as multiple parcels from Botts to Scheppler [recorded 1/29/31]

August 24, 1933: San Luis Obispo County Board of Supervisors approves and adopts a new map that shows these parcels by number and location.

August 19, 1941: Parcels conveyed as "the real property" from Scheppler to W. N. Claassen.

May 28, 1965: Parcels conveyed as "all that real property" in Boiler plate deed from Claassen to Alvin Bergman.

945

Aug. 10, 1972: Subdivision Map Act sec. 11535 (c) (4) defines subdivision as not including creations of 40 to 60 acres or a quarter/quarter section.

August 31, 1977: Parcels conveyed as "all that real property" by boiler plate deed from Bergman to Eric Jepson (Heritage Oak Investment Company) and David Floyd.

September 1, 1981: Parcels conveyed from Jepson and Floyd, in one third interests, to Alice and Mark Jepson, Wayne and Wendy Thomas, and Frank and Carol Thomas.

January 1, 1993: Subdivision Map Act sec. 66412.6 (a) and (b) stated that all parcels created fewer than five at a time prior to March 4, 1972 and subsequently conveyed are conclusively presumed to have been lawfully created.

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APPENDIX D

Homestead/Patent and other conveyance instruments in the history of the units of land
presented for an Unconditional Certificate of Compliance.

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and the General Land Office. Filed for record
at request of F. Langenbeck, July 20th A.D.
1912 at 5 min. past 8 o'clock, U. M.

J. F. Fiedler
Recorder

United States
To

Albert Griggs

Homestead Certificate

No. 4187

Application 9986

The United States of America, To all to whom these presents shall come, Greeting: Whereas There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at San Francisco California whereby it appears that pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Albert Griggs has been established and duly consummated, in conformity to law, for the Lot numbered three¹ four² and five³ and the South East quarter⁴ of the North West quarter of Section six in Township Twenty-seven South of Range eleven East of Mount Diablo Meridian in California and containing one hundred and seventy three acres and fifty one hundredths of an acre, according to the Official Plat of the Survey of the said Land returned to the General Land Office by the Surveyor General: Now know ye, That there is, therefore, granted by the United States unto the said Albert Griggs the tract of land above described

To have and to hold the said tract of Land, with
the appurtenances thereof, unto the said J. B. St
Briggs and to his heirs and assigns forever,
subject to any vested and accrued water rights
for mining, agricultural, manufacturing, or
other purposes, and rights to ditches and reser-
voirs used in connection with such water rights
as may be recognized and acknowledged by the
local customs, laws, and decisions of courts,
and also subject to the right of the proprietor
of a vein or lode to extract and remove his ore
therefrom, should the same be found to penetrate
or intersect the premises hereby granted, as pro-
vided by law. In testimony whereof, J. B. Benja-
min Harrison, President of the United
States of America, has caused these letters
to be made Patent, and the seal of the General
Land Office to be hereunto affixed. Given under
my hand, at the City of Washington, the twentieth
day of April, in the year of our Lord one thousand
eight hundred and ninety two, and of the Inde-
pendence of the United States the one hundred and
sixteenth. By the President: Benjamin Harrison.
By M. M. Keen Secretary. Recorded, Vol 8, Page
54 D. J. Roberts Recorder of the General Land
Office. Filed for record at request of Mrs C.
Schwartz July 2 8th A. D. 1892 at 49 min, past
4 o'clock P. M.

J. F. Fiedler
Recorder

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with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever. IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written. W. J. Cleghorn (Seal) Silvia Cleghorn (Seal) State of California, :
: ss.
County of Los Angeles : On this 29th day of October in the year one thousand nine hundred and one before me, L. C. Becker a Notary Public in and for said Los Angeles County, residing therein, duly commissioned and sworn, personally appeared W. J. Cleghorn and Silvia Cleghorn known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Los Angeles in said County, the day and year in this certificate first above written. L. C. Becker Notary Public in and for Los Angeles Co., State of California. Filed for record at request of E. P. Rogers November 15th A. D. 1901 at 10 min. past 8 o'clock A. M.

J. F. Fiedler,

Recorder.

Albert Griggs : THIS INDENTURE, Made this Seventeenth day of October A. D. 1901 BETWEEN Albert
TO : Griggs Of the County of Douglas State of Oregon the party of the first part,
Herbert Horne : And Herbert Horne Of the County of San Luis Obispo State of California the
: party of the second part, WITNESSETH: That the said party of the first part,
for and in consideration of the sum of Five DOLLARS, U. S. Gold Coin of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, conveyed and confirmed, and by these presents does grant, bargain and sell, convey and confirm, unto the said party of the second part, and to his heirs and assigns forever, all those certain lots, pieces or parcels of land situate, lying and being in the County of San Luis Obispo State of California, and bounded and particularly described as follows, to wit:
Lots Numbered Three (3) Four (4) and Five (5) and the South East one quarter of the North West one quarter of Section Six (6) in Township Twenty Seven (27) South of Range Eleven (11) East M. D. M. and containing One Hundred and Seventy Three & 51/100 Acres of land as shown by the U. S. Government Patent, issued therefor. TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever. IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year first above written.
Albert Griggs (SEAL) Signed, Sealed and Delivered in the Presence of Frank H. Rosenberg J. A. Griggs.

State of Oregon :

: ss.
County of Douglas :

Be it remembered that on this 23rd day of October A. D. 1901 personally appeared before me the above named Albert Griggs who signed the above instrument of his own free will and accord and without fear or coercion from any one.

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in this certificate first above written. L. C. Becker Notary Public in and for Los Angeles Co., State of California. Filed for record at request of E. P. Rogers November 15th A. D. 1901 at 16 min. past 8 o'clock A. M.

J. F. Fiedler,

Recorder.

Albert Griggs :
TO : THIS INDENTURE, Made this Seventeenth day of October A. D. 1901 BETWEEN Albert
Herbert Horne : Griggs Of the County of Douglas State of Oregon the party of the first part,
: and Herbert Horne Of the County of San Luis Obispo State of California the
: party of the second part, WITNESSETH: That the said party of the first part,
for and in consideration of the sum of Five DOLLARS, U. S. Gold Coin of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, conveyed and confirmed, and by these presents does grant, bargain and sell, convey and confirm, unto the said party of the second part, and to his heirs and assigns forever, all those certain lots, pieces or parcels of land situate, lying and being in the County of San Luis Obispo State of California, and bounded and particularly described as follows, to wit:

Lots Numbered Three (3) Four (4) and Five (5) and the South East one quarter of the North West one quarter of Section Six (6) in Township Twenty Seven (27) South of Range Eleven (11) East M. D. M. and containing One Hundred and Seventy Three & 51/100 Acres of land as shown by the U. S. Government Patent, issued therefor. TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever. IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year first above written.

Albert Griggs (SEAL) Signed, Sealed and Delivered in the Presence of Frank H. Rosenberg J. A. Griggs.

State of Oregon :

: S.S.

County of Douglas :

Be it remembered that on this 23rd day of October A. D. 1901 personally appeared before me the above named Albert Griggs who signed the above instrument of his own free will and accord and without fear or coercion from any one.

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Berg J. A.

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 Subscribed and sworn to before me this day and year first above written. Frank
H. Rosenberg Notary Public in and for said County and State. Recorded at the Re-
quest of E. M. Bennett November 15th, A. D. 1901 at 26 min. past 8 o'clock, A. M.

J. F. Fiedler,
Recorder.

Thomas Bingham : THIS INDENTURE, Made the 16th day of June in the year of our Lord one thousand
TO : nine hundred BETWEEN THOMAS BINGHAM of San Luis Obispo, County, STATE OF CAL-
Wm. A. Stuart : IFORNIA, the party of the first part, and WILLIAM A. STUART of the City and
County of San Francisco, State of California, the party of the second part,
WITNESSETH, That the said party of the first part, for and in consideration of the sum of FIVE
DOLLARS GOLD COIN of the United States of America, to him in hand paid by the said party of the
second part, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain,
sell and convey unto the said party of the second part, and to his heirs and assigns forever;
One undivided half of all that certain Mining Claim situated in the Adelaida Mining District,
San Luis Obispo County, California, known as the Lee Mining Claim, the location notice of which
was recorded in Adelaida Mining District at the request of Thomas Bingham on the 6th day of
March, 1900. Said record being made by Otto Wyss, Mining Recorder for said District. For fur-
ther description of said claim, reference is hereby made to said Mining location Notice as re-
corded as above stated which description therein is made a part hereof. TOGETHER with all and
singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise ap-
pertaining, and the reversion and reversions, remainder and remainders, rents, issues and prof-
its thereof. TO HAVE AND TO HOLD, all and singular the said premises, together with the ap-
purtenances, unto the said party of the second part and to his heirs and assigns forever. IN
WITNESS WHEREOF, the said party of the first part has herunto set his hand and seal the day
and year first above written. Thomas Bingham (SEAL) Signed, Sealed and Delivered in the Pres-
ence of E. S. Rigdon.

State of California, :
County of San Luis Obispo : ss.
On this sixteenth day of June in the year nineteen hundred
A. D. before me, E. S. Rigdon a Notary Public in and for said County and State personally ap-
peared Thomas Bingham known to me to be the person whose name is subscribed to the
within instrument and acknowledged to me that he executed the same. E. S. Rigdon
Notary Public. Filed for Record at the Request of W. A. Stuart November 15th A.D.
1901 at 49 min. past 8 o'clock A. M.

J. F. Fiedler,
Recorder.

Commercial Bank : THIS INDENTURE, Made this 15th day of November A. D. 190-, BETWEEN Commercial
TO : Bank of San Luis Obispo the party of the first part, and Abram Muscio a resi-
Abram Muscio : dent of the County of San Luis Obispo, State of California the party of the
second part, WITNESSETH: That the said party of the first part, for and in
consideration of the sum of Ten DOLLARS, Gold Coin of the United States of America, to it in
hand paid by the said party of the second part, the receipt whereof is hereby acknowledged,
has granted, bargained and sold, conveyed and confirmed, and by these presents does grant, bar-
gain and sell, convey and confirm unto the said party of the second part, and to his heirs and
assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the

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said party of the second part. TOGETHER with all and singular the tenements, hereditaments and appurtenances therunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns forever. IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written. Robert Henry Pruitt (JLL) Signed, Sealed and Delivered in the presence of ...

STATE OF CALIFORNIA }
County of San Luis Obispo. } S.S.

On this 15th day of July in the year 1913 before me, Ed Mallagh a notary public in and for the said County of San Luis Obispo, State of California personally appeared Robert Henry Pruitt personally known to me to be the same person whose name is subscribed to, who is described in, and who executed the within instrument, and he duly acknowledged to me that he executed the same. WITNESS my hand and official seal, the day and year in this Certificate first above written. Ed Mallagh Notary Public in and for the County of San Luis Obispo, State of California Filed for Record at the Request of Thomas Rhodes, JULY 15th, A. D. 1913, at 12 min. past 10 o'clock, A. M.

D. F. Mahoney, Recorder.

1913
Herbert Horne : THIS INDENTURE, Made this 14th. day of July A. D. 1913. BETWEEN
TO : Herbert Horne, the party of the first part, and Oscar Rhyme and
Oscar Rhyme et al : Grace L. Rhyme, the parties of the second part, WITNESSETH: That
the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars, Gold Coin of the United States of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all those certain lots, pieces or parcels of land situate, lying and being in the County of San Luis Obispo, State of California, and bounded and particularly described as follows, to wit:

(sic) Lots numbered three (3), four (4) and five (5) and the South east one quarter of the north west one quarter of section six (6) in township twenty seven (27) south of range eleven (11) east N.D.M. and containing one hundred and seven three and 50/100 acres of land as shown by the U.S. Government Patent issued therefor. Said party of the first part also sells, assigns and transfers to said parties of the second part all personal property of every kind belonging to him situate on said land excepting his wearing apparel and personal adornments and trinkets. TOGETHER with all and singular the tenements, hereditaments and appurtenances therunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever. IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year first above written. Herbert Horne (JLL) Signed, Sealed and Delivered in the presence of ...

State of California, }
County of San Luis Obispo. } ss

On this 14th day of July 1913.

Notary Public, Herbert Mallagh, a Notary Public in and for the County of San Luis Obispo, State of California.

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D. F. Mahoney, Recorder.

Carlos Serrano : THIS INDENTURE, Made this 30th day of December, A. D. 1912 BETWEEN
 TO : CARLOS SERRANO, the party of the first part, and EVA HOWARD the party
 Eva Howard : of the second part. WITNESSETH: That the said party of the first
 : part, for and in consideration of the sum of Ten (\$10.00) Dollars,
 Gold Coin of the United States of America, to him in hand paid by the said party of
 the second part, the receipt whereof is hereby acknowledged, does by these presents
 grant, bargain, sell, convey and confirm unto the said party of the second part, and
 to her heirs and assigns forever, all that certain lot, piece or parcel of land situate,
 lying and being in the City of San Luis Obispo, County of San Luis Obispo, State of
 California, and bounded and particularly described as follows, to wit:
 Commencing at a point on the Northerly line of Sycamore Street distant 80 feet Westerly
 from the Northwestern corner of Morro and Sycamore Streets, and running thence parallel
 to Morro Street north 36 deg. 22 min. West 100 feet; thence at right angles Westerly
 and parallel to Sycamore Street 86.98 feet more or less to the westerly line of a
 tract of land conveyed by C. R. Soberanes to Carlos Serrano by deed dated April 25th,
 1905, and recorded in Vol. 63 of Deeds, at page 170, San Luis Obispo County, records;
 thence South 62 deg. East 110.92 feet more or less along the westerly line of the tract
 of land conveyed by said Soberanes to said Carlos Serrano to the northerly line of
 Sycamore street; thence Easterly along the Northerly line of Sycamore Street 39 feet
 to the point of beginning, and being a part of Block 70 of said City. TOGETHER with
 all and singular the tenements, hereditaments and appurtenances thereunto belonging,
 or in anywise appertaining, and the reversion and reversions, remainder and remainders,
 rents, issues and profits thereof. TO HAVE AND TO HOLD all and singular the said
 premises, together with the appurtenances, unto the said party of the second part,
 and to her heirs and assigns forever IN WITNESS WHEREOF, the said party of the first

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On this twenty-first day of

D. F. Mahoney, County Recorder.

On this 21st day of September,

in the year one thousand nine hundred and fourteen before me, E. R. VAN HOLMER, a Notary Public in and for the County of San Luis Obispo, State of California, personally appeared Oscar Ryne and Grace E. Ryne (husband and wife) known to me to be the same persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of San Luis Obispo, State of California, the day and year in this

MR. TKE
CHANGED
TO
T27

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21st, 1914, at 30 minutes past 2 o'clock P. M.

D. F. Mahoney, County Recorder.

~~A0A0A0A0A0A0A0A0A0A0A0A0AC A0A0AE CA OAQA0A0A0A0A0A')JA QKOA0A0A0A0A'AOA0A0A QA0A0A0A0AQ~~

Oscar Rhyme et ux : THIS INDENTURE, Made this Twenty-first day of September A. D.
TO : 1914. BETWEEN Oscar Rhyme and Grace L. Rhyme (husband and wife)
John F. Botts : of San Luis Obispo County, State of California the parties of
: the first part, and John F. Botts of the same County and State

the party of the second part. WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN Dollars, of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all those certain lots, pieces or parcels of land situate, lying and being in the County of San Luis Obispo, State of California and bounded and particularly described as follows, to wit:

Lots Nos. three, four and five and the South East quarter of the North-west quarter of Section 6 in Township 26 South, Range 11 East, M. D. M., containing 173.51 acres of land according to U. S. Government survey thereof. TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals, the day and year first above written. Oscar Rhyne (S AL) Grace L. Rhyne (SEAL) Signed, Sealed and Delivered in the Presence of A. Pfister

STATE OF CALIFORNIA,)
) ss
County of San Luis Obispo.)

On this 21st day of September,

in the year one thousand nine hundred and fourteen before me, M. R. VAN KORMER, a Notary Public in and for the County of San Luis Obispo, State of California, personally, appeared Oscar Rhyne and Grace L. Rhyne (husband and wife) known to me to be the same persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto

set my hand and affixed my official seal at my office in the County
of San Luis Obispo, State of California, the day and year in this
certificate first above written. J. E. Van Wormer Notary Public in

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D. F. Mahoney. Recorder.

J A Warren, Jr : THIS INDENTURE, Made the 17th day of September one thousand nine
: :
TO : hundred and Fourteen BETWEEN J. A. Warren Jr of the County of San
: :
W J Leffingwell : Luis Obispo. State of California the party of the first part, and
: :
: W. J. Leffingwell of the same place the party of the second part.

Commencing at a stake standing on the South side of Santa Rosa Creek Road, known as Main Street, said stake being the North West corner of the Lot deeded by J. Phalen to G. M. Cole January 24, 1877; thence South 48 $\frac{1}{2}$ ^o West 31 feet to a stake; thence South 37 $\frac{1}{4}$ ^o West along aforesaid road one Hundred (100) feet to lot owned September 22, 1877 by John Barton; thence along the East line of said Barton lot Southerly One Hundred Seventy-five (175) feet to the center of Santa Rosa Creek; thence following up the center of said Creek to the South West corner of said Cole lot; N 35 $\frac{1}{2}$ ^o West One hundred and ninety (190) feet to the place of beginning. TOGETHER with the tenements, hereditaments, and appurtenances, thereunto belonging, or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. TO HAVE AND TO HOLD, the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand the day and year first above writton. J. A. Warren Jr Signed and Delivered in the Presence of ...

On this 17th day of September in
fore me, W. M. LYONS a Notary Public

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notary public in and for said county of Santa Cruz, duly commissioned, qualified, and residing therein, personally appeared A. J. Jansen, known to me to have been, at the time of its dissolution, the secretary of F. A. Rihn Company, and known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal, at my office in said county of Santa Cruz, the day and year in this certificate first above written. C. G. Lake Notary Public in and for said county of Santa Cruz, in the State of California.

Wm. F. D. Baldwin, as president of City Savings Bank, described in the foregoing deed, and Theres Hihn, Kate C. Henderson (formerly Kate C. Cope), August C. Hihn, Fred O. Hihn, and Agnes Hihn Younger, as executors of the last will and testament of F. A. Hihn, sometimes called Frederick A. Hihn, deceased, (administration pending in the superior court of the county of Santa Cruz, in the State of California), do hereby consent to and approve the execution of the foregoing deed. Dated: September 21, 1915. F. D. Baldwin as president of City Savings Bank. A C Hihn Agnes Hihn Younger Fred O Hihn Katherine C Henderson Theres Hihn As executors of the last will and testament of F. A. Hihn, sometimes called Frederick A. Hihn, deceased. Filed for record at request of City Savings Bank, Oct. 6th, A. D. 1915. at 30 min. past 7 o'clock A. M.

J. F. Mahoney, County Recorder.

[illegible]

OSCAR RHYNE et ux
TO
John F Hotta

THIS INVENTURE, Made the Fifth day of October one thousand nine hundred and Fifteen BETWEEN Oscar Rhyme and Grace L. Rhyme (husband and wife) of San Luis Obispo County, State of California the parties of the first part, and John F. Botts the part.. of the second part, WITNESSETH: That the said t., in consideration of the sum of TEN Dollars, Gold Coin of rison, to them in hand paid, by the said party of the second f is hereby acknowledged, do by these presents, grant, bargain party of the second part, and to his heirs and assigns for- lots, pieces or parcels of land situate in the County of f California and bounded and described as follows, to-wit: r and five and the south-east quarter of the North-west a Township Twenty-seven South, Range 11 East, M. D. M. con- land according to the U. S. Government survey thereof. This error in discription in deed under date of Sept. 21. 1914 02 of deeds at page 185 on the 21st day of Sept. 1914. nts, hereditaments, and appurtenances, therounto belonging, reversion and reversions, remainder and remainders, rents, of. TO HAVE AND TO HOLD, the said premises, together with the said party of the second part, and to his heirs and as- WITNES THEREOF, the said parties of the first part have hereunto and year first above written. Oscar Rhyme Grace L. Rhyme. the Presence of ...

STATE OF CALIFORNIA, }
County of San Luis Obispo } ss.

County of San Luis Obispo } ss. (On this 5th day of October in
the year One Thousand Nine Hundred and Fifteen before me, LYMAN BREWER, a Notary
Public in and for the County of San Luis Obispo, personally appeared Oscar Rhyme
and Grace L. Rhyme husband and wife known to me to be the same persons whose names

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21, 1915. F. D. Baldwin As president of City Savings Bank. A C Hihn
 Agnes Hihn Younger Fred O Hihn Katherine C Henderson Therese Hihn
 As exocutors of the last will and testament of F. A. Hihn, sometimes called Frederick
 A. Hihn, deceased. Filed for record at request of City Savings Bank, Oct. 6th.
 A. D. 1915. at 30 min. past 7 o'clock A. M.

E. F. Mahoney, County Recorder.

AOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAOAO
 Oscar Rhyne et ux : THIS INDENTURE, Made the Fifth day of October one thousand
 TO : nine hundred and Fifteen BETWEEN Oscar Rhyne and Grace L.
 John F Botts : Rhyne (husband and wife) of San Luis Obispo County, State of
 : California the parties of the first part, and John F. Botts
 : of the same County and State the part.. of the second part, WITNESSETH: That the said
 parties of the first part, in consideration of the sum of TEN Dollars, Gold Coin of
 the United States of America, to them in hand paid, by the said party of the second
 part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain
 and sell, unto the said party of the second part, and to his heirs and assigns for-
 ever; all those certain lots, pieces or parcels of land situate in the County of
 San Luis Obispo, State of California and bounded and described as follows, to-wit:
 Lots numbered three, four and five and the south-east quarter of the North-west
 quarter of Section Six in Township Twenty-seven South, Range 11 East, M. D. M. con-
 taining 173.51 acres of land according to the U. S. Government survey thereof. This
 deed is given to correct error in discription in deed under date of Sept. 21, 1914
 and recorded in volume 102 of deeds at page 185 on the 21st day of Sept. 1914.
 TOGETHER with the tenements, hereditaments, and appurtenances, thereunto belonging,
 or appertaining, and the reversion and roversions, remainder and remainders, rents,
 issues and profits thereof. TO HAVE AND TO HOLD, the said premises, together with
 the appurtenances, unto the said party of the second part, and to his heirs and as-
 signs forever. IN WITNESS THEREOF, the said parties of the first part have hereunto
 set their hands the day and year first above written. Oscar Rhyne Grace L. Rhyne.
 Signed and Delivered in the Presence of ...

STATE OF CALIFORNIA,)
) ss.
 County of San Luis Obispo)

On this 5th day of October in
 the year One Thousand Nine Hundred and Fifteen before me, LYMAN BREWER, a Notary
 Public in and for the County of San Luis Obispo, personally appeared Oscar Rhyne
 and Grace L. Rhyne husband and wife known to me to be the same persons whose names

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D. F. Mahoney, Recorder.

Thos M Bulay et al

THIS INDENTURE, Made the 20th day of January one

TO

thousand nine hundred and fifteen BETWEEN Thomas M.

City of El Paso de Nobles

Buley and Cora A. Buloy, husband and wife, of San Luis

Obispo County, California, and Dove Bonnett, of the

same place, the parties of the first part, and City of El Paso de Robles, in said San Luis Obispo County, a Municipal Corporation, the party of the second part, WITNESSETH: That the said parties of the first part, in consideration of the sum of ten and no/100 Dollars, gold coin of the United States of America, to them in hand paid, by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain and sell, unto the said party of the second part, and to ... heirs and assigns, forever; all that certain lot, piece or parcel of land situate in the City of El Paso de Robles County of San Luis Obispo, State of California and bounded and described as follows, to-wit:

Commencing at a point on the Northerly line of block 137, of said City of El Paso de Robles, distant 140 feet Westerly from the North Easterly corner of said block, and running Westerly along said Northerly line 20 feet; thence at right angles 150 feet to the Southerly line of said block; thence at right angles Easterly along said Southerly line 20 feet; thence at right angles Northerly 150 feet to the point of beginning, and being a strip of land 20 feet wide running Northerly and Southerly through said block. TOGETHER with the tenements, hereditaments, and appurtenances, thereunto belonging, or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. TO HAVE AND TO HOLD, the said premises, together with the appurtenances, unto the said party of the second part, and to its heirs and assigns forever for use by the party of the second part as an alley and when it shall cease to be used as an alley it shall revert to the parties of the first part. in

C-5
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AND THEREUPON, it shall be lawful for the vendor, her heirs and assigns, into and upon said premises and every part thereof, wholly to re-enter and the same to have again, repossess and enjoy as in their former estate herein contained to the contrary notwithstanding.

THE PURCHASER agrees to keep the buildings now erected, or which may be hereafter erected on said property, insured against loss by fire in such company or companies as the vendor shall designate or approve in the sum of \$12,500.00, and by policy or policies in which the loss, if any, shall be payable to the parties hereto as their interests may appear, to be applied first to the payment of any unpaid balance of the purchase price. The purchaser shall pay the premiums therefor and failing so to do the vendor may pay the same and recover the amount thereof from the purchaser with interest.

IT IS FURTHER AGREED that the use of the masculine gender shall be construed to include the feminine and neuter genders; and that the words vendor and purchaser, wherever used herein, shall be construed to include the plural; and that the terms and conditions of this agreement shall inure to and bind the heirs, executors, administrators, successors and assigns of both vendor and purchaser.

IN WITNESS WHEREOF the parties hereto have set their hands hereunto and to a duplicate hereof the day and year first hereinabove named.

Mrs. Lenora L. Payne
Vendor

H. Ditsler
Purchaser

STATE OF CALIFORNIA, } ss
COUNTY OF ALAMEDA, }
ON THIS 20th day of January, in the year One Thousand Nine
Hundred and Thirty-One before me, E. E. Linthicum, a Notary Public in and for the
County of Alameda, State of California, residing therein, duly commissioned and sworn,
personally appeared Lemora L. Payne and N. Ditsler, known to me to be the persons des-
cribed in and whose names are subscribed to the within instrument, and they acknowledged
to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, the day and year in this certificate first above written.

SEAL

Ex. E. Linthicum, Notary Public
In and for said County of Alameda, State of
California.

RECORDED AT REQUEST OF FIRST NATIONAL BANK IN PASO ROBLES, JAN. 29 1931 at 30 min. past 9 o'clock A.M.

W. L. Damage County Recorder

643

JOHN F. BOTTS, et ux : THIS INDENTURE, made the 28th day of January, one thousand nine
to
etal: hundred and thirty one BETWEEN John F. Botts and Mary E. Botts
RUDOLPH R. SCHEPPLER / of Paso Robles, California,
..... : (husband and wife)/the parties of the first part and Rudolph
R. Scheppler, Henry E. Scheppler and Alfred E. Scheppler, of Paso Robles, California,
all being single men, the parties of the second part,

WITNESSETH: That the said parties of the first part, in consideration of the sum of ten and no/100 dollars, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged

ES
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**P
G**

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TO HAVE AND TO HOLD to said Grantee.

CS
112

RECORDED AT REQUEST OF Security Title Ins. and Guarantee Co. SEP 2 1941 at 34 min. past 9 o'clock A.M. in Vol. 303 of Official Records page 453 San Luis Obispo County, California
W.L.Ramage County Recorder

[illegible]

6905

HENRY E. SCHEPPLER, et ux. :
to : GRANT DEED
W.N. CLAASSEN, et ux. : In Consideration of \$10.00, receipt of which is acknowledged,
.....: HENRY E. SCHEPPLER and STELLA SCHEPPLER, his wife, whose
permanent address is Templeton, California do hereby grant to W.N. CLAASSEN and CARMEN E.
CLAASSEN, his wife, as JOINT TENANTS, whose permanent address is Bradley, California
the real property in the County of San Luis Obispo, State of California, described as:
Lots 3, 4, and 5 and the Southeast quarter of the Northwest quarter of Section 6 in Town-
ship 27 South, Range 11 East, Mount Diablo Base and Meridian, in the County of San Luis
Obispo, State of California.

Dated this 19th day of August, 1941.

Henry E. Scheppler
Stella Scheppler

State of California, }
County of San Luis Obispo } ss.

On this 19th day of August, 1941, before me, Alice E. Nelson, a Notary Public in and for said County, personally appeared Henry E. Scheppler and Stella Scheppler, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same.

WITNESS my hand and official seal: AL

Alice E. Nelson
Notary Public in and for said County and
State.

RECORDED AT REQUEST OF Security Title Ins. and Guarantee Co. SEP 2 1941 at 36 min. past 9
o'clock A.M. in Vol. 303 of Official Records page 454 San Luis Obispo County, California
W.L.Ramage County Recorder

[illegible]

6907

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

In the Matter of the Estate of : No. 27493
GARRIE A. COLE, also known as : DECREE SETTLING FINAL ACCOUNT
C.A. COLE, deceased. : AND FINAL DISTRIBUTION.
.....

Grace K. Hutcheson and Ada Frances Pugh, joint executrices of the estate of Carrie A. Cole, also known as C.A. Cole, deceased, having on the 23rd day of June, 1941, rendered and filed herein a full account and report of their administration of said estate, which said account was for a final settlement, and having with said account filed a petition for the final distribution of said estate, and said account and petition coming on this day regularly to be heard, and proof having been made to the satisfaction of the Court that the Clerk had given notice of the settlement of said account and the hearing of said petition, in the manner and for the time required by law, the Court FINDS:

That said account is in all respects true and correct, and that it is supported by necessary vouchers;

That due and legal notice to creditors of said estate has been given in the manner and for the time required by law, and that an affidavit of publication of notice to creditors

CS
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SAN LUIS OBISPO COUNTY

Order Number 66-660

RECORDING REQUESTED BY

WHEN RECORDED, PLEASE MAIL TO

Mr. Alvin Berghman
Star Rte. Box 39-B
Santa Margarita, Calif.

TR's 58.53

13695

Vol 1354 PGE 83

RECORDED AT REQUEST OF
JUN 11 1965
MAY 25 1965
SAN LUIS OBISPO COUNTY, CAL.

JUN 11 1965

Mary C. Hamilton

By Mary C. Hamilton Deputy
Fee \$ 2.00 - Initial

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Grant Deed

W. N. CLAASSEN AND CARMEN E. CLAASSEN, husband and wife

For a Valuable Consideration, the receipt of which is hereby acknowledged, do SS hereby
GRANT to ALVIN BERGHMAN, a widower

all that real property situated in the County of San Luis Obispo, State of California, described as follows:

Lots 3, 4 and 5 and the Southeast Quarter of the Northwest Quarter
of Section 6 in Township 27 South, Range 11 East, Mount Diablo Base
and Meridian, in the County of San Luis Obispo, State of California.



Dated May 25, 1965

W. N. Claassen
W. N. Claassen

Carmen E. Claassen
Carmen E. Claassen

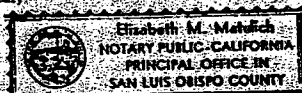
STATE OF CALIFORNIA,
COUNTY OF San Luis Obispo } SS.

On May 27, 1965, before me, the undersigned, a Notary Public in and for said State,
personally appeared W. N. Claassen and Carmen E. Claassen

known to me to be the person SS whose name SS are subscribed to the within instrument and
acknowledged that they executed the same.

Witness my hand and official seal.

(Seal)



Elizabeth M. Matulich
(Notary Public's Signature)

(Name - Typed or Printed)
Notary Public in and for said State
ELIZABETH M. MATULICH, Notary Public
in and for the State of California
My Commission Expires September 26, 1967

Handwritten initials and number: 14

RECORDING REQUESTED BY

SEVENTH WIRE NUMBER 03

GRANT OF EASEMENT

Documentary Transfer Tax \$ -0-

Signed — Party or Agent *Dele E. Bergman* First Name *Dele E. Bergman*

THIS AGREEMENT made September 8, 1969 between
WILLIAM N. CLAASSEN and CARMEN E. CLAASSEN, husband
and wife, first parties, and ALVIN BERGMAN and MELVIN
NORRIS CASTEEL and MARTHA LOUISE CASTEEL, his wife,
second parties.

WITNESSETH,

That the said William N. Claassen and Carmen E.
Claassen are the owners of the SE 1/4 of Section 6,
Township 27 South, Range 11 East, MDB&K, all in the
County of San Luis Obispo, State of California; that
there presently exists a road over said property for the
purposes of ingress and egress to the NW 1/4 of
said Section 6 owned by said Alvin Bergman and to the
NE 1/4 of said Section 6 owned by the said Melvin Norris
Casteel and Martha Louise Casteel.

Said road is adjacent and runs in a Northerly
Southerly direction along the Westerly boundary line
of said SE 1/4 of the property of William N. Claassen,
and along the Easterly boundary line of said SW 1/4,
the property of the said John R. Beckwith, an unmarried
man.

REG. NO. 13656
OFFICIAL RECORDS
SAN LUIS OBISPO CO., CALIF.
COUNTY RECORDER

SEP 12 1969

TIME 2:08 PM

For a good and sufficient consideration, the receipt of which is hereby acknowledged, that the said first party hereby grant an easement to second parties over said road a width of 20 feet and is hereinabove described. Said easement shall be for the purposes of ingress and egress to second parties and their successors to their properties as above described and for the agricultural operation of said property and for domestic purposes.

Dated this 8th day of September 1969.

CARMEN E. CLAASSEN, being unable to write, made her mark in my presence, and I signed her name at her request and in her presence.

Kathryn Hoberg

Additional Witness

Florence B. Lombardo

Carmen E. Claassen ^{Her} Mark

Kathryn Hoberg
Additional Witness:

Florence B. Lombardo

William H. Claassen
William H. Claassen

RECORDING REQUESTED BY and
WHEN RECORDED RETURN TO:
SECURITY TITLE INSURANCE COMPANY

GRANT OF EASEMENT

Documentary Transfer Tax - Will
Unincorporated area City of Paso Robles

•34752702 000012.00 REC
•34752702 000032.00

THIS AGREEMENT made Feb. 9 1970 between John R. 192-70-37

Beckwith, an unmarried man, first party, and ALVIN BERGMAN and
MELVIN NORRIS CASTEEL and MARTHA LOUISE CASTEEL, his wife, second
parties.

WITNESSETH,

That the said John R. Beckwith is the owner of the SW 1/4 of said
Section 6, Township 27 South, Range 11 East, MDB&M. all in the
County of San Luis Obispo, State of California; that there pre-
sently exists a road over said property for the purposes of in-
gress and egress to the NW 1/4 of said Section 6 owned by said
Alvin Bergman and to the NE 1/4 of said Section 6 owned by the
said Melvin Norris Casteel and Martha Louise Casteel.

Said road is adjacent and runs in a Northerly-Southerly
direction along the Westerly boundary line of said SE 1/4 of the
property of William N. Claassen, and along the Easterly boundary line
of said SW 1/4, the property of the said John R. Beckwith, an un-
married man.

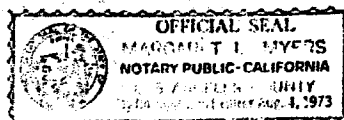
For a good and sufficient consideration, the receipt of which
is hereby acknowledged, that the said first party hereby grant an
easement to second parties over said road a width of 20 feet and is
hereinabove described. Said easement shall be for the purposes of
ingress and egress to second parties and their successors to their
properties as above described and for the agricultural operation of
said property and for domestic purposes.

Dated this 9th day of February 1970.

STATE OF CALIFORNIA }
COUNTY OF SAN LUIS OBISPO } SS.

John R. Beckwith
John R. Beckwith

On Feb. 9 1970, before me the undersigned Notary
Public, personally appeared John R. Beckwith, known to me to be the
person whose name is subscribed to the within instrument, and ack-
nowledged that he executed the same.



Margaret L. Myers
Notary Public in and for said
County and State

DOC. NO. 4103
OFFICIAL RECORDS
SAN LUIS OBISPO CO., CALIF
WILLIAM E. ZIMARIK,
COUNTY RECORDER
FEB 20 1970

RECORDING REQUESTED BY

LLOYD E. SOMOGYI

AND WHEN RECORDED MAIL TO

Name
Street
Address
City & State
LLOYD E. SOMOGYI
Attorney at Law
695 Santa Rosa Street
San Luis Obispo, CA 93401

DOC. NO. 49962
OFFICIAL RECORDS
SAN LUIS OBISPO CO., CAL

OCT 7 1977

WILLIAM E. ZIMARIK
COUNTY RECORDER
TIME 4:20 PM

MAIL TAX STATEMENTS TO

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Name
Street
Address
City & State
FRANCES F. NIXON
Route 1, Box 94A
Paso Robles, CA 93446

DOCUMENTARY TRANSFER TAX \$ None
COMPUTED ON FULL VALUE OF PROPERTY CONVEYED,
OR COMPUTED ON FULL VALUE LESS LIENS AND
ENCUMBRANCES REMAINING AT TIME OF SALE.
Signature of Declarant or Agent Determining Tax. Lloyd E. Somogyi
Firm Name

Grant Deed

TO 409.1 CA (1-79)

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

VIRGINIA A. CANNON

hereby GRANT(S) to

FRANCES F. NIXON, a married woman, an undivided 1/4
interest as tenant in common
the following described real property in the
County of San Luis Obispo, State of California:

See legal description attached, marked
Exhibit "A", and incorporated by reference.

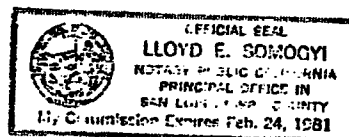
Dated October 6, 1977

Virginia Cannon
VIRGINIA A. CANNON

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO } ss.
On October 6, 1977 before me, the under-
signed, a Notary Public in and for said State, personally appeared
Virginia A. Cannon

known to me
to be the person whose name is subscribed to the within
instrument and acknowledged that she executed the same.
WITNESS my hand and official seal.

Signature *Lloyd E. Somogyi*
LLOYD E. SOMOGYI
Name (Typed or Printed)



(This area for official notarial seal)

Title Order No.

Escrow or Loan No.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

ENC. 2016 PAGE 420

1 CHAIN = 66 FT.

EXHIBIT "A"

That certain real property, situated in the County of San Luis Obispo, State of California, more particularly described as follows:

PARCEL I:

That portion of the South half of Section 6, Township 27 South of Range 11 East, Mount Diablo Meridian, County of San Luis Obispo, State of California, according to the official plat of the survey of said lands by the Surveyor General.

Beginning at the Quarter Section Corner on the West line of Section 6, in Township 27 South of Range 11 East, Mount Diablo Meridian, running thence East 41.30 chains to post; thence South 40.00 chains to the South line of said Section 6; thence West 41.30 chains to the Southwest corner of said Section 6; thence North 40.00 chains along the West line of said Section 6 to the point of beginning.

PARCEL II:

That portion of the South half of Section 6, Township 27 South of Range 11 East, Mount Diablo Meridian, County of San Luis Obispo, State of California, according to the official plat of the survey of said lands by the Surveyor General.

Beginning at a point on the center line of Section 6, in Township 27 South, Range 11 East, Mount Diablo Meridian, which point is North $0^{\circ} 16\frac{1}{2}'$ West, 386 feet from the Quarter Section Corner on the South line of said Section 6, running thence North $0^{\circ} 16\frac{1}{2}'$ West, 2118.80 feet to a point; thence South $40^{\circ} 45'$ East, 3.10 feet to a point; thence South $20^{\circ} 40'$ East, 92.40 feet to a point; thence South $8^{\circ} 20'$ West, 69.90 feet to a point; thence South $11^{\circ} 30'$ West, 45 feet to a point; thence South $20^{\circ} 40'$ East, 115.80 feet to a point; thence South $1^{\circ} 15'$ West, 82.80 feet to a point; thence South $9^{\circ} 15'$ West, 35 feet to a point; thence South 6° East, 66.40 feet to a point; thence South 24° East, 77.60 feet to a point; thence South $38^{\circ} 45'$ East, 95.70 feet to a point; thence South $10^{\circ} 50'$ West, 200.60 feet to a point; thence South $8^{\circ} 35'$ East, 134.80 feet to a point; thence South $34^{\circ} 55'$ East, 166.60 feet to a point; thence South $8^{\circ} 20'$ East, 159.70 feet to a point; thence South $8^{\circ} 35'$ West, 123.30 feet to a point; thence South $0^{\circ} 55'$ West, 130.80 feet to a point; thence South $15^{\circ} 50'$ West, 189.50 feet to a point; thence South $24^{\circ} 50'$ West, 159.20 feet to a point; thence South $13^{\circ} 35'$ West, 162 feet to a point; thence South 39° West, 146.90 feet to the point of beginning.

PARCEL III:

That portion of the South half of Section 6, Township 27 South of Range 11 East, Mount Diablo Meridian, County of San Luis Obispo,

State of California, according to the official plat of the survey of said lands by the Surveyor General.

Beginning at the Quarter Section Corner on the South line of Section 6, in Township 27 South, Range 11 East, Mount Diablo Meridian, running thence North $0^{\circ} 16\frac{1}{2}'$ West, 161.10 feet to a point; thence South $73^{\circ} 30'$ East, 118.70 feet to a point; thence South 9° West, 129.50 feet to a point on the South line of said Section 6, thence North $89^{\circ} 23'$ West, 92.60 feet to the point of beginning.

EXHIBIT "A"

END OF DOCUMENT

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RECORDING REQUESTED BY

SAFECO TITLE INSURANCE COMPANY

AND WHEN RECORDED MAIL TO

Name Mark Eric Jepson and
Street David L. Floyd
Address P.O. Box 91
City Templeton, Ca. 93465
State _____
Zip _____

• 547216F E00063.00 REC
• 547216F E00220.00 TAX
• 547216F E00223.00ST

DOC. NO. 45957
OFFICIAL RECORDS
SAN LUIS OBISPO CO., CAL

SEP 16 1977

WILLIAM E. ZIMARIK
COUNTY RECORDER

TIME 8:02 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE
DOCUMENTARY TRANSFER TAX \$ 220.00

XX Computed on full value of property conveyed
Or computed on full value less liens and encumbrances remaining at time of sale

BANK OF AMERICA
NATIONAL TRUST AND SAVINGS ASSOCIATION

TITLE ORDER NO. 111450

ESCROW NO. 28-6688

Bank of America
Signature of Declarant or Agent determining tax. Firm name
unincorporated area

GRANT DEED

INDIVIDUAL

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

ALVIN BERGMAN and BERTHA E. BERGMAN, husband and wife

do hereby GRANT to
MARK ERIC JEPSON, a single man dba HERITAGE OAK INVESTMENT CO. as to an undivided 1/2 interest
and DAVID L. FLOYD, an unmarried man as to an undivided 1/2 interest as TENANTS IN COMMON
all that real property situated in the _____ County of San Luis Obispo
State of California, described as follows:

Lots 3, 4 and 5 and the Southeast quarter of the Northwest quarter of Section 6 in Township
27 South, Range 11 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo,
State of California, according to the official plat of the survey of said lands approved
by the Surveyor General.

Subject to:

1. All general and special taxes for the fiscal year 1977-78, a lien not yet due and payable.
2. Any covenants, conditions, restrictions, reservations, rights, rights of way and easements of record.

DATED: August 30, 1977

Alvin Bergman
Alvin Bergman

Bertha E. Bergman
Bertha E. Bergman

STATE OF CALIFORNIA

County of San Luis Obispo } SS

On August 31, 1977, before me, the undersigned, a Notary Public in and for said San Luis Obispo
County and State, personally appeared Alvin Bergman and Bertha E. Bergman

known to me to be the person 8 whose name 8 are subscribed to the within instrument and acknowledged
to me that 8 they executed the same.
WITNESS my hand and official seal.



V. Lorraine Wiebe
Notary Public in and for said San Luis Obispo County and State.
My Commission expires June 20, 19 80

5
21

**SAFECO TITLE INSURANCE COMPANY**

1043 MARSH STREET, P.O. BOX 1145, SAN LUIS OBISPO, CALIFORNIA 93406
(805) 543-8211

PRELIMINARY REPORT

- Bank of America NT & SA
- P. O. Box 547
- Paso Robles, CA 93446

Attention: Karen



Your No. 28-6688
Our No. 111450

Dated as of June 10, 1977 at 8:00 A.M.

In response to the above referenced application for a policy of title insurance, **SAFECO TITLE INSURANCE COMPANY** hereby reports that it is prepared to issue, as of the date hereof, a California Land Title Association Standard Coverage Form Policy of Title Insurance describing the land and the estate or interest therein hereinafter set forth in Schedule A, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception in Schedule B or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy form.

This report (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dale E. Rorabough

Title Officer

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Recording Requested by
FIRST AMERICA TITLE INSURANCE CO.
Order No.
Escrow No. SLO-820238-39 BIM
Loan No.

WHEN RECORDED MAIL TO:

Mr. and Mrs. Wayne R. Thomas, et al
21442 Paseo Portola
Malibu, Ca. 90265

4.00 RF
12 247.50 DT
20 10.00 MF
11/23/81 3460 1 261.50 FATL
DOC. NO. 54909
OFFICIAL RECORDS
SAN LUIS OBISPO CO., CAL
NOV 23 1981
WILLIAM E. ZIMARIK
COUNTY RECORDER
TIME 8:00 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

above address

DOCUMENTARY TRANSFER TAX \$ 247.50
XX Computed on the consideration or value of property conveyed; OR
Computed on the consideration or value less liens or encumbrances
remaining at time of sale
Signature of Declarant or Agent determining tax - Firm Name
First American Title Insurance Co.

APN#26-331-01
unincorporated

GRANT DEED

SURVEY MONUMENT FEE \$10.00

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

MARK ERIC JEPSON, a single man, dba Heritage Oak Investment Co., and DAVID L. FLOYD,
an unmarried man
hereby GRANT(S) to ALICE JEPSON, a widow and MARK ERIC JEPSON, a single man, mother & son,
as joint tenants, as to an undivided one-third interest, WAYNE R. THOMAS AND WENDY M. THOMAS,
husband and wife, as joint tenants, as to an undivided one-third interest & FRANK J. THOMAS
& CAROL J. THOMAS, husband and wife, as joint tenants, as to an undivided one-third interest
the real property in the City of unincorporated area
County of San Luis Obispo State of California, described as

PARCEL 1:

Lots 3,4 and 5 & the Southeast quarter of the Northwest quarter of Section 6 in Township
27 South, Range 11 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo,
State of California, according to the official plat of the survey of said lands approved by
the Surveyor General.

PARCEL 2:

An easement for ingress and egress as set forth in instrument between John R. Beckwith and
Alvin Bergman and Melvin Norris Casteel and Martha Louise Casteel, recorded February 20,
1970 in Book 1554, page 356 of Official Records.

Dated September 1, 1981

STATE OF CALIFORNIA
COUNTY OF San Luis Obispo

On Sept 4 1981

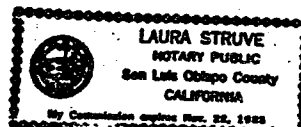
before me, the undersigned, Notary Public in and for said
State, personally appeared

JEPSON & David L. Floyd
known to me to be the person whose name is set
subscribed to the within instrument and acknowledged that

WITNESS my hand and official seal.

Signature

Mark Eric Jepson
David L. Floyd



(This area for official notarial seal)

END OF DOCUMENT

MAIL TAX STATEMENTS AS DIRECTED ABOVE

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SCHEDULE A

The estate or interest in the land described or referred to in this schedule covered by this report is:

A fee.

173.51 ACRES

Title to said estate or interest at the date hereof is vested in:

ALVIN BERGMAN and BERTHA E. BERGMAN,
husband and wife, as Community Property.

The land referred to in this report is situated in the State of California, County of San Luis Obispo and is described as follows:

Lots 3, 4 and 5 and the Southeast quarter of the Northwest quarter of Section 6 in Township 27 South, Range 11 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo, State of California, according to the official plat of the survey of said lands approved by the Surveyor General.

CURRENT OWNER JEPSON / THOMAS
1950-1 JEPSON / FLOYD
1977 ALVIN & BERTHA BERGMAN

MAY 25, 1965 W.N. & CARMEN E. CLASSEN

AUG. 19, 1941 HENRY E. & STELLA SCHEFFLER

JAN. 28, 1931 JOHN F. & MARY E. BOTTIS

SEPT 21, 1914 OSCAR & GRACE L. RHYNE

JULY 14, 1913 HERBERT HORNE

OCT. 17, 1901 ALBERT GRIGGS

APRIL 20, 1892 U.S. LAND OFFICE / SAN FRANCISCO

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SCHEDULE B

At the date hereof Exceptions to coverage in addition to the printed exceptions and exclusions contained in said policy form would be as follows:

1. General and special taxes for the fiscal year 1977-78, now a lien, but not yet due and payable.

NOTE: General and special taxes for the fiscal year 1976-77 for proration purposes;

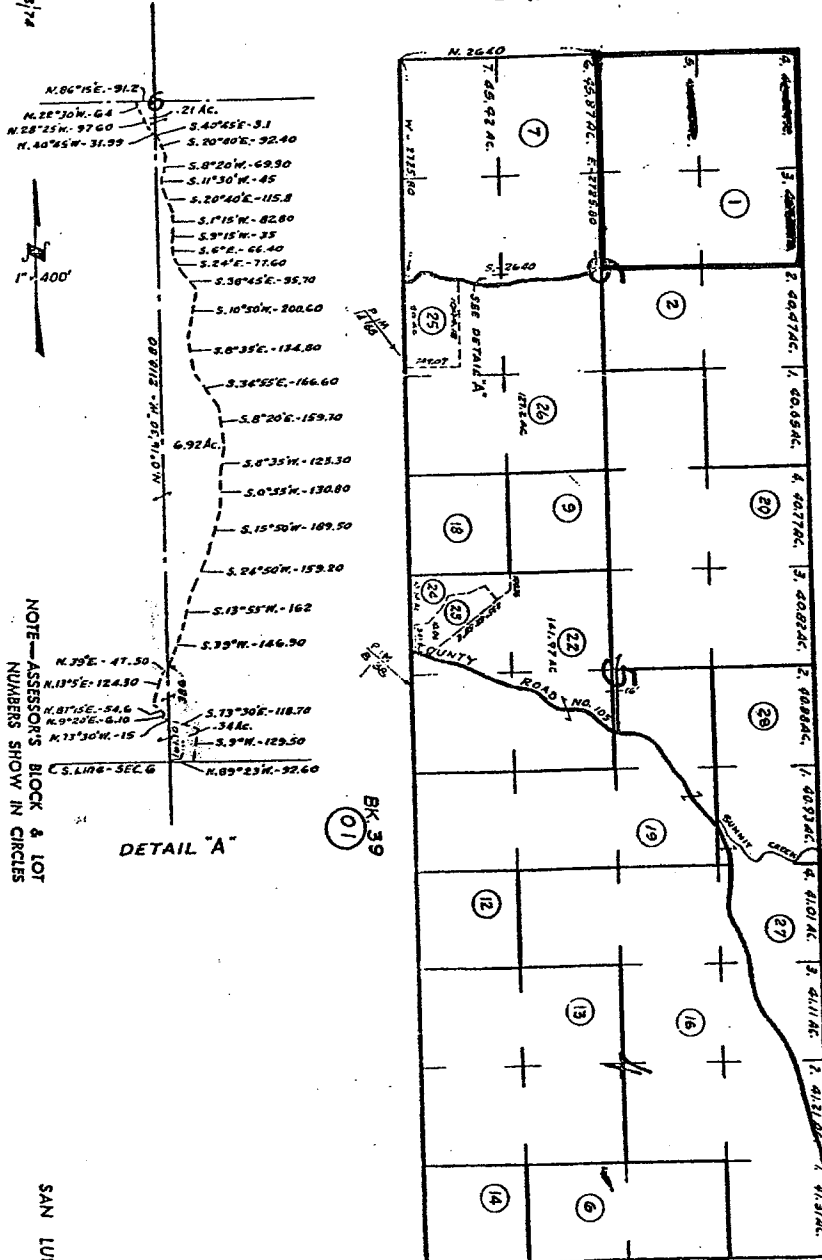
First installment	: \$566.01 paid
Second installment	: \$566.01 paid
Parcel number	: 26-311-01
Code area	: 126-01.

6/10/77
kmd

THIS PLAT IS FOR YOUR AID IN LOCATING YOUR LAND WITH
REFERENCE TO ST. AND OTHER PARCELS. WHILE THIS PLAT IS
BELIEVED TO BE CORRECT, THE COMPANY ASSUMES NO LIABILITY
FOR ANY LOSS OCCURRING BY REASON OF RELIANCE THEREON.

SAFECO TITLE INSURANCE COMPANY
BK 14
10

BEK 10 / 10/74



JULIE RODEWALD
San Luis Obispo County – Clerk/Recorder

AR
3/03/2005
8:00 AM

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
Steve Shears and Mary E. Shears
F. William Brady
617 Nickerson Drive
Paso Robles, CA 93446

Recorded at the request of
First American Title Company

DOC#: **2005016656**



Titles: 1 Pages: 3

Fees	13.00
Taxes	770.00
Others	10.00
PAID	\$793.00

Space Above This Line for Recorder's Use Only

A.P.N.: 026-331-01

File No.: 4007-1701923 (SRK)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX **\$770.00**; CITY TRANSFER TAX **\$0.00**;
SURVEY MONUMENT FEE \$

FILED AK	FEE PAID	EXEMPT	OUT OF STATE
-------------	----------	--------	-----------------

- [☒] computed on the consideration or full value of property conveyed, OR
[☐] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[☒] unincorporated area; [☐] ~~City of Paso Robles~~, and

SURVEY MONUMENT FEE \$10.00

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Wayne Robert Thomas and Sallie Ann Thomas, as Trustees of the Wayne Robert Thomas and Sallie Ann Thomas 1999 Family Trust Agreement, dated July 15, 1999 and Frank J. Thomas and Carol J. Thomas, husband and wife**

hereby GRANTS to **Steve Shears and Mary E. Shears, husband and wife as joint tenants as to an undivided 1/3 interest and F. William Brady, an unmarried man as to an undivided 1/3 interest**

the following described property in the unincorporated area of **Paso Robles**, County of **San Luis Obispo**, State of **California**:

Parcel 1:

Lots 3, 4 and 5 & the Southeast quarter of the Northwest quarter of section 6 in Township 27 South, Range 11 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo, State of California, according to the official plat of the survey of said lands approved by the Surveyor General.

We note but do not insure:
Parcel 2:

An easement for ingress and egress as set forth in Instrument between John R. Beckwith and Alvin Bergman and Melvin Norris Casteel and Martha Louise Casteel, recorded February 20, 1970 in Book 1554, Page 356 of official Records

~~SEE PARTNERSHIP AGREEMENT ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT~~

~~"B"~~

Dated: 02/02/05

Mail Tax Statements To: **SAME AS ABOVE**

CS
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Wayne Robert Thomas and Sallie Ann
Thomas, as Trustees of the Wayne Robert
Thomas and Sallie Ann Thomas 1999 Family
Trust Agreement

Frank J. Thomas

Wayne Robert Thomas
Wayne Robert Thomas, Trustee

Sallie A Thomas
Sallie Ann Thomas, Trustee

Carol J. Thomas

STATE OF Nevada }
COUNTY OF Washoe } ss.
}

On 2-3-05, before
me, Jane A. Duels personally
appeared Wayne Robert Thomas & Sallie Ann Thomas,
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



*This area for official
notarial seal*

Signature

Jane A. Duels

My Commission Expires: May 17, 2008

Notary Name: Jane A. Duels
Notary Registration Number: 04-89539-2

Notary Phone: 775-688-6973
County of Principal Place of Business: Washoe

Date: 02/03/2005

Wayne Robert Thomas and Sallie Ann
Thomas, as Trustees of the Wayne Robert
Thomas and Sallie Ann Thomas 1999 Family
Trust Agreement

Frank J. Thomas
Frank J. Thomas

Wayne Robert Thomas, Trustee

Sallie Ann Thomas, Trustee

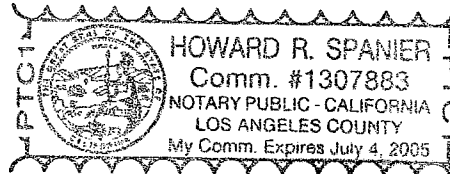
Carol J. Thomas
Carol J. Thomas

STATE OF CALIFORNIA }
 } ss.
COUNTY OF LOS ANGELES }

On FEBRUARY 4, 2005, before
me, HOWARD R. SPANIER personally
appeared FRANK J. THOMAS & CAROL J. THOMAS,
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose
name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same
in ~~his~~/her/their authorized capacity(ies) and that ~~his~~/her/their signature(s) on the instrument the person(s) or the
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature



This area for official
notarial seal

My Commission Expires: 7/4/05

Notary Name: HOWARD R. SPANIER
Notary Registration Number: 1307883

Notary Phone: (310) 456-2733
County of Principal Place of Business: LOS ANGELES

Background and conclusion

There are only a few ways parcels can have been created through the years. They are by the government through Patent, Homestead, judicial decision, condemnation with remainders, deed, lot split or subdivision. There have been many Court cases regarding these matters but none of them has addressed this exact situation. Most related to antiquated, or pre-1893, subdivisions, and/or U.S. Patents. Those cases have determined, by case law, that the Government Survey Plat Maps did not, in and of themselves, create lots or parcels of land. It was also determined that U.S. Government Patents did not necessarily convey more than one piece, parcel or tract of land per Patent. However, it has also been generally agreed that conveyance of any lot, piece or parcel of land by reference to a map of record created that lot, piece or parcel if it was done in conformity with the Statutes in effect at the time of the conveyance. These lots were so conveyed in an appropriate manner at various times prior to local ordinance requirements, including a specific map pertaining only to the parcels created.

Regarding creation by deed, there was no "common practice" to convey single lots, parcels, pieces or tracts of land by use of "plural" language. Single lots, parcels, pieces and tracts were conveyed in the singular language. Multiple lots, parcels, pieces and/or tracts were conveyed in the plural. In the late nineteenth century and through most of the first half of the twentieth century "boiler plate" forms were available at stationery and/or general stores for people to draw their own deeds without cost other than notarization of signatures and recordation. Those forms contained blanks in order to indicate whether the conveyance was of a single lot, piece, parcel, etc. of land or multiple lots, pieces, parcels, etc. of land. The "boiler plate" language became so accepted that it was also used when deeds were individually drawn by someone charging a fee for that service. The option of singular or multiple conveyances in a single recordable document remained.

Statute and case law have also determined that once created, these lots cannot be merged except by very specific language and procedure. Common ownership, in and of itself, is not sufficient to do so.

The State of California, shortly after its organization mandated that each county draw an official map or use the U.S. Government Survey maps as a basis, and illustration, of the taxable land, lots, parcels and pieces within its jurisdiction. The County of San Luis Obispo did so on four occasions: 1874, 1890, 1913 and 1933.

These lots, parcels and/or pieces of land were created by deed, in a manner acceptable to the Subdivision Map Act of the State of California in effect at that time. Having been homesteaded in 1892 to Albert Griggs, Mr. Griggs created the four parcels by conveyance of a multiple parcel deed drawn and notarized on October 17, 1901, which was recorded on October 23, 1901.

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For the duration when that "boiler plate" was in common usage they were re-conveyed in like manner in 1913, 1914, 1915 and 1933. This was also reflected in the maps adopted by the County Board of Supervisors. These lots, parcels, pieces, etc. are not shown on the maps of 1874 or 1890 but they are shown on the maps of 1913 and 1933.

No procedure has been initiated, or recorded, to merge these parcels since their creation. Therefore, individual, certificates of compliance should be issued as a ministerial function in accordance with current State Statutes and existing case law.

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Appendix A - 2

Lot creation in California since its inception was done by Spanish Land Grant, later approved by the State of California and The United States of America, by government Patent, homestead, deed, lot splits, subdivisions and judicial decree. Prior to the Government survey which established the Meridian system and plat maps for each county in California, deeds were recorded in conjunction with a survey map or by metes and bounds descriptions. Since the recordation of the plat maps and their use as the base maps for assessing property taxes most deeds use the information contained on those maps as the basis for property descriptions. Many other deed descriptions, since the inception of the Subdivision Map Act, refer to recorded subdivision and parcel maps.

In his Amicus brief in *Gardner v County of Sonoma* (2003), Cal.4th, James S. Burling of the Pacific Legal Foundation noted, "When the Legislature adopted the first subdivision map act in 1893, it was following a tradition in the United States of codifying the established, but somewhat new, practice of subdividing land in order to facilitate land sales. The employment of the subdivision process in the 19th century served to avoid some of the problems inherent in strict reliance on surveys alone, which were often inherently inaccurate due to certain 19th century limitations. ...the purpose of the Act was to validate the existing practice of subdivision and to set certain minimum requirements for such subdivision."

The original 1893 Subdivision Map Act provides:

SECTION 1. Whenever any city, town, or subdivision of land into lots, or any addition to any city, town, or such subdivision, shall be laid out into lots for the purpose of sale, the proprietor or proprietors thereof shall cause to be made out an accurate map or plat thereof, particularly setting forth and describing:

First – All parcels of ground within such city, town, addition, or subdivision, reserved for public purposes, by their boundaries, courses, and extent, whether they be intended for avenues, streets, lanes, alleys, courts, commons, or other public uses; and,

Second – All lots intended for sale, either by number or letter and their precise length and width.

SECTION 2. Such map or plat shall be acknowledged by the proprietor, or if any incorporated company, by the chief officer thereof, before some officer authorized by law to take the acknowledgement of conveyances of real estate.

SECTION 3. The map or plat so made, acknowledged, [sic], and certified, shall be filed in the office of the County Recorder of the county in which the city, town, addition, or subdivision is situated....

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Burling also states, "The history behind the early subdivision map acts makes it quite clear that their purpose had nothing to do with the modern concerns of land use control, but served an entirely different purpose – the facilitation of the division and sale of larger estates."

He notes, and I quote from, the United States Court of Appeals for the Fourth Circuit, in *Gardner v City of Baltimore Mayor* [4th Cir. 1992]:

"Subdivision regulations avoided these problems by requiring land developers to record in the local records office a 'plat,' or map, of the property. The plat, which contained precise dimensions, subdivided the land into blocks and lots and indicated the location of roads and parks. Once the plat was recorded, individual lots could then be conveyed by reference to the lot, block, and plat name, thereby avoiding the confusion inherent in the metes and bounds system." The same information was contained in a book published by the American Planning Association regarding subdivision map acts prior to 1928.

Burling made it clear that when assessing the validity of early lot and parcel creation the laws were concerned with clarity of definition and location and not the modern concerns of orderly planning and development. Modern day concerns have no place in decisions about the validity of pre-1928 creations.

The California Political Code of 1850 in Sec. 3657 stated, "Lands once described on the assessment book need not be described a second time ..." It also required the Board of Supervisors of every county to provide the maps for the Assessor's use at their own cost. These maps were required to show all private land holdings and "if surveyed under the authority of the United States, the divisions and subdivisions of the survey..." Section 3973 stated, "All surveys and maps of boundary lines heretofore legally made and approved are declared valid, and they are primary evidence of the establishment of such lines, except so far as they are inconsistent with the provisions of this Code."

The question might be asked, since the United States Survey Plat Maps were used by the Monterey County Assessor from the earliest days of availability, whether or not they were the "official map" of the county, or was another commissioned and approved?

In the Statutes of California Chapter 282, Section 3658a, approved March 25, 1903, made the Assessor's maps of the counties the official maps and stated, "...it shall be lawful and sufficient to describe such lots or blocks in any deeds, conveyances, contracts, or obligations affecting any such lots or blocks as designated on such official map, a reference to such map sufficient for the identification thereof being coupled with such description."

In December of 1984 the Office of the County Counsel of Monterey County issued a memorandum regarding an inquiry on legal lot status by Carolyn Davis. The memorandum concentrated more on current subdivision law than on the condition prevailing at the time of creation. However, Davis was relying primarily on the Patent deeds rather than on subsequent creation. The primary omission in the memorandum was

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At no point do any of the commentaries or briefs say that the separation of one lot or parcel from its contiguous lots or parcels has to be done in an individual deed. This could also be accomplished by the obvious intent to separate them by specific language and individual identification and description in a single deed creating anything less than five lots, parcels or pieces and referring to a map of record.

The Curtin brief makes this clear by stating, "The property owner retained complete discretion to deed parcels or lots in any way he or she desired without need for recording new maps or taking any other steps to merge or resubdivide the paper 'subdivision.' "

He goes on to say, "Maps filed prior to 1893 were thus different in both purpose and legal effect from modern subdivision maps. Maps filed prior to 1893 did not have legal import absent a conveyance..."

Curtin and his associates walked us through history in their brief: "With the 1907 Act, came the first 'grandfather' clause, which provided in pertinent part:

"No person shall sell or offer for sale any lot or parcel of land, be reference to any map or plat, unless such map or plat has been made, certified, indorsed, acknowledged and filed in all respects as provided in this Act, or was filed or recorded prior to the taking effect of this Act and in accordance with the laws in force at the time it was so filed or recorded." "

"This grandfather provision did not change the character of the earlier recorded maps; these maps remained descriptive tools for individual sales. Thus while the grandfather clause recognized individual transactions made by reference to those maps, it gave no recognition to unsold lots drawn on paper subdivisions."

However, there was still a lot of controversy surrounding lot creations and technicalities regarding subdivisions. By 1925 it became necessary for the California Legislature to act once again. It passed Chapter 298 of the Political Code which was approved by the Governor on May 20, 1925.

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CHAPTER 298.

An act to cure defects in maps or plats filed for record prior to April first, one thousand nine hundred twenty-five, and in deeds or conveyances referring to such maps.

[Approved by the Governor May 20, 1925]

The people of the State of California do enact as follows:

SECTION 1. Any map or plat recorded or filed with the county recorder of the county in which the lands shown on said map or plat are situated prior to the first day of April, one thousand nine hundred twenty-five, shall for all purposes be deemed to have been properly so recorded or filed and to comply with all the requirements of the laws in force at the time it was so recorded or filed, notwithstanding any defect, omission or informality in the preparation or execution of such map or plat or of the affidavits, certificates, acknowledgements, indorsements, acceptances of dedication or other matters thereon, or required to be thereon, by any law in force at the time of such recording or filing, and all sales or conveyances of land by reference to any such map or plat shall be valid as though said map or plat had been made, certified, indorsed, acknowledged and filed in all respects in accordance with the laws in force at the time said map or plat was so recorded or filed. And any deed or conveyance referring to any such map or plat, which prior to the passage hereof, was copied into the proper book of records kept in the office of any county recorder shall impart after the passage hereof notice of its contents to subsequent purchasers and incumbrancers, notwithstanding any defect, omission or informality in the preparation or execution of such map or plat or of the affidavits, certificates, acknowledgements, indorsements, acceptances of dedication or other matters thereon or required to be thereon by any law in force at the time of such recording or filing.

Validation
of maps
and plats,
and
references
thereto in
convey-
ances

The brief by Curtin and his associates further stated, "In 1929, the California Legislature enacted a comprehensive planning law and substantially revised the Act. ... [references]... Enacted as companion measures, these two new laws established a new framework for local land use regulation. The planning law provided for the establishment of local planning commissions and the development of 'master plans' by local

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governments to 'conserve and promote the public health, safety and general welfare.'
[reference]

"For the first time, the Map Act *required*, with limited exceptions, the recordation of a map prior to the sale of five or more parcels."

The parcels and lots in question in this matter met the requirements of the law at the time they were created. Subsequent laws further validated them and grandfathered them into the system. The obvious intent of many of the landowners was to convey these lots and parcels as individual lots and parcels within single deeds and they did so convey them. The conveyances of fewer than five parcels with reference maps already recorded [as the plat maps of the county] constituted legal subdivisions, which must be recognized today.

This does not mean that every lot and parcel shown on the Government Plat maps is necessarily a legal, individual lot or parcel. Each lot and parcel so created must still meet the requirements laid down in law at the time of their creation and/or be grandfathered into the current law.

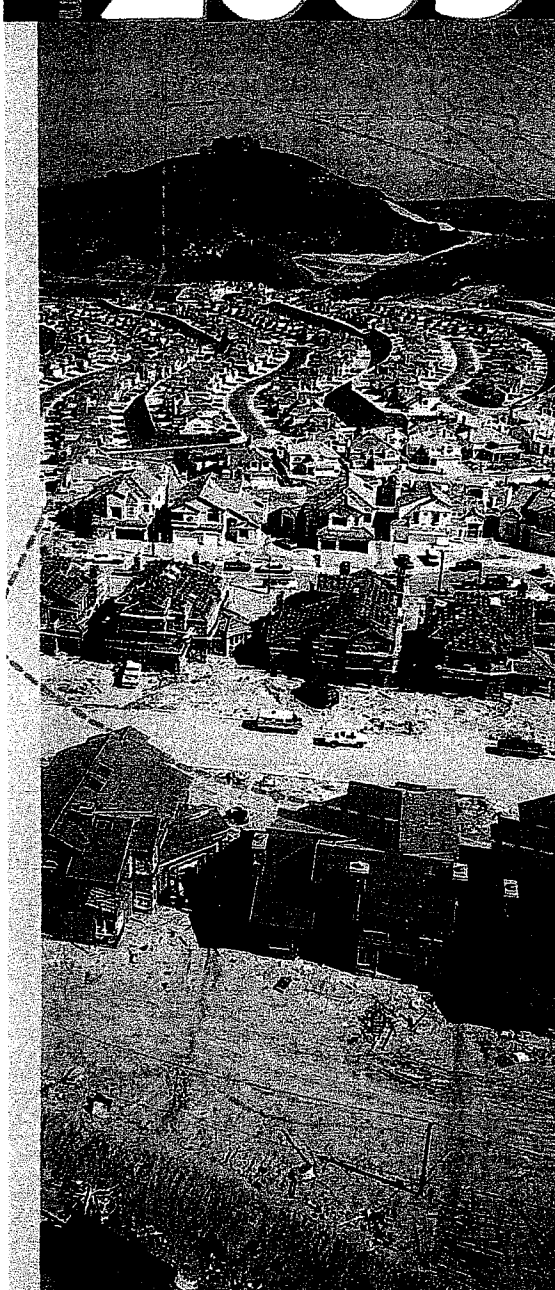
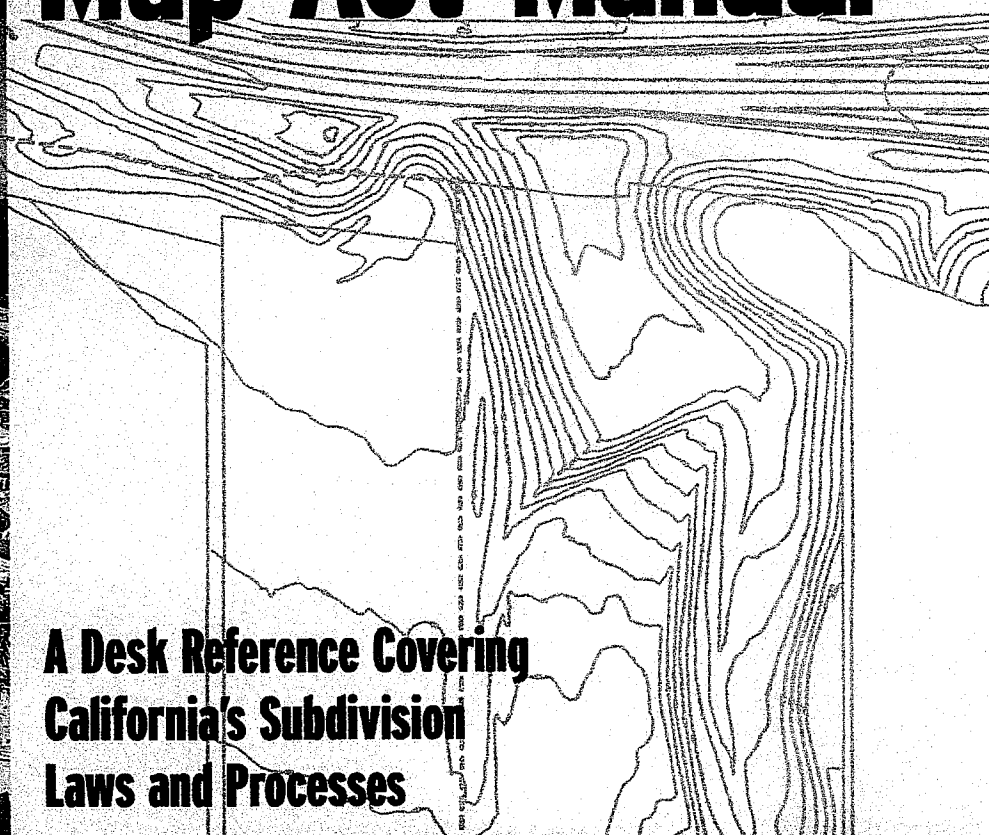
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2003

Subdivision Map Act Manual

**A Desk Reference Covering
California's Subdivision
Laws and Processes**

**DANIEL J. CURTIN, JR.
ROBERT E. MERRITT**



Subdivision Map Act Manual

2003 edition

A Desk Reference Covering California's Subdivision Laws and Processes

FOR PLANNING AND DEVELOPMENT PROFESSIONALS,
CIVIL ENGINEERS, LAND SURVEYORS, ATTORNEYS, AND
OTHERS WHO NEED TO KNOW HOW THE MAP ACT WORKS

Daniel J. Curtin, Jr.



Daniel J. Curtin, Jr., a 1957 graduate of the University of San Francisco School of Law, served as assistant secretary to the California State Senate, counsel to the Assembly Committee on Local Government, and deputy attorney for the City of Richmond. In 1965 he was appointed city attorney of Walnut Creek and served until 1982. Mr. Curtin has also served as president of the City Attorney's Department of

the League of California Cities, as a member of its board of directors, and as chair of the Land Development, Planning, and Zoning Section of the International Municipal Lawyers Association (IMLA).

A partner in the Walnut Creek office of Bingham McCutchen LLP, his practice emphasizes local government and land use law representing private and public sector clients. Mr. Curtin is a recipient of the American Planning Association's Distinguished Leadership Award for twenty years of writing and teaching and has lectured and written extensively in the areas of local government and land use for both University of California Extension and California Continuing Education of the Bar. He is the author of *Curtin's California Planning and Land Use Law* (Solano Press Books), now in its twenty-second edition.

Robert E. Merritt



Robert E. Merritt, a partner in the Walnut Creek office of Bingham McCutchen LLP, is a leading authority on the Subdivision Map Act. He is the author of *Guide to California Subdivision Sales Law* and, with Daniel J. Curtin, Jr., co-authored *California Subdivision Map Act and the Development Process* (CEB).

Mr. Merritt has lectured on real estate development topics for Continuing Education of the Bar, the Practising Law Institute, and U.C. Extension. He is a member of the American College of Real Estate Lawyers, chair of the Editorial Board of the *Land Use and Environment Forum*, and serves as a member of the Subdivision Advisory Committee of the California Department of Real Estate.

Lisa D. Weil



Lisa D. Weil, who serves as Managing Editor for this edition, is a graduate of the University of California, Hastings College of the Law. She is an associate in the Walnut Creek office of Bingham McCutchen LLP, where her practice focuses on real estate and land use issues. She is the co-author with Mr. Merritt and Mr. Curtin of the updates to *California Subdivision Map Act and the Development Process* (CEB), and has published several

Now including these expanded features—

- Practice tips based on years of experience
- Comprehensive pinpoint citations, table of authorities, and index
- Sample forms and agreements
- Text of the original 1993 Map Act Statute
- Full text of the Subdivision Map Act, updated through December 2002

This new 2003 edition of the Subdivision Map Act Manual serves as an easy-to-use desk reference for professionals and others interested in California's Subdivision Map Act. It concentrates on the role that cities and counties play in regulating the subdivision of land under the Map Act and on local ordinances enacted thereunder.

This logically leads one through a discussion of the subdivision of land under the Subdivision Map Act.

SPECIAL EMPHASIS is placed on the following topics—

- Tentative Map Processing
- Conditions to Map Approval
- Grounds for Map Approval or Denial
- Appeals and Judicial Review
- Final Maps and Parcel Maps
- Exclusions and Reversions
- Antiquated Subdivisions, Merger, Unmerger

Published by
Solano Press Books

0-923956-91-3



BreakZone Billiards v. City of Torrance, 81 Cal. App. 4th 1205, 1239–41 (2000). The BreakZone court relied on the principle that the procedure of administrative agency members making necessary adjudications does not violate the due process of law and held that the appeal was not unfair. *Id.* at 1241 (citing *Withrow v. Larkin*, 421 U.S. 35, 53, 56–57 (1975)). On appeal, the City Council is not bound by the findings of the advisory agency and may hear the matter de novo and make its own determinations on any relevant testimony or documents produced before it. Gov't Code § 66452.5(d); see also *Langrutta v. City Council*, 9 Cal. App. 3d 890 (1970).

Judicial Review

Exhaustion of Administrative Remedies

Before relief is sought in the courts, all administrative remedies must be exhausted by appealing the decision to the city council or other appellate body, and by raising all of the issues that are to be raised in court at all administrative levels.

Before relief is sought in the courts, all administrative remedies must be exhausted by not only appealing the decision to the city council or other appellate body, but also by first raising, either orally or in writing, all of the issues that are to be raised in court at all administrative levels. *Coalition for Student Action v. City of Fullerton*, 153 Cal. App. 3d 1194 (1984); *Sea & Sage Audubon Soc'y, Inc. v. Planning Comm'n*, 34 Cal. 3d 412 (1983); *Tahoe Vista Concerned Citizens v. County of Placer*, 81 Cal. App. 4th 577 (2000); Gov't Code § 65009. If a city desires to invoke the doctrine of exhaustion of administrative remedies, it must include a notice to this effect in its public hearing notice. Gov't Code § 65009(b)(2). If a city fails to do so, the city may lose this defense in a court challenge. *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692 (1990).

Statute of Limitations

Any action to attack any decision concerning a subdivision or a subdivision regulation must be commenced and summons must be served within 90 days after the date of the decision.

Any action to attack any decision concerning a subdivision or a subdivision regulation must be commenced and summons must be served within 90 days after the date of such decision. Gov't Code § 66499.37. See also *Maginn v. City of Glendale*, 72 Cal. App. 4th 1102 (1999) (court stated that statute of limitations is to be strictly enforced). The time period runs from the date of the decision. For example, the time to attack conditions imposed by a tentative map runs from approval of the tentative map, not from final map approval. *Soderling v. City of Santa Monica*, 142 Cal. App. 3d 501, 505 (1983). The 90-day period applies to a failure to issue a certificate of compliance, as well as to map approvals, denials, or conditions. *Hunt v. County of Shasta*, 225 Cal. App. 3d 432 (1990); see also *Stell v. Jay Hales Dev. Co.*, 11 Cal. App. 4th 1214 (1992). The denial of an application to grant an extension for the life of a tentative map also triggers the 90-day statute of limitations. *Presenting Jamul v. Board of Supervisors*, 231 Cal. App. 3d 665 (1991). As the court in *Jamul* stated, the broad language of Government Code section 66499.37 applies whenever “the conduct of a local agency under the Map Act is called into question,” even where it allegedly exercised no discretion under the Act.” *Id.* at 672 (citation omitted).

Hensler v. City of Glendale, 8 Cal. 4th 1 (1994), contains an excellent discussion of the application of the 90-day statute. In *Hensler*, the court addressed a claim that the application of a ridgeline ordinance in a condition of approval of plaintiff's

Act in Superior Court. Gov't Code § 66499.33; *City of Tiburon v. Northwestern Pac. R.R. Co.*, 4 Cal. App. 3d 160 (1970). The city can also request that a criminal complaint be filed in court. Gov't Code § 66499.31. However, the most practical and useful enforcement tool for the city is to withhold permits and approvals necessary to develop any property that has been divided in violation of the Act after making the necessary finding that the development is contrary to the public health or public safety. Gov't Code § 66499.34. This puts "the ball" into the violator's court, but the city then must process a notice of violation. When the city has knowledge that there is a violation, it must process a notice of violation pursuant to Government Code section 66499.36.

Certificates of Compliance

Any owner or vendee may request the city to determine whether the property complies with the provisions of the Map Act and the local subdivision ordinance.

Any owner or vendee (i.e., a person contracting to acquire real property) may request the city to determine whether the property complies with the provisions of the Map Act and the local subdivision ordinance. Gov't Code § 66499.35. *See County of San Luis Obispo v. Superior Court*, 90 Cal. App. 4th 288 (2001) (applicant must have an interest in the property). When such request is made, the city *must* issue a certificate of compliance or a conditional certificate of compliance. 74 Ops. Cal. Atty. Gen. 149 (1991); *see also Lakeview Meadows Ranch v. County of Santa Clara*, 27 Cal. App. 4th 593, 598–600 (1994); *Hunt v. County of Shasta*, 225 Cal. App. 3d 432 (1990). If the city determines that the property complies with the provisions of the Map Act and local subdivision ordinances, it must issue a certificate of compliance. Gov't Code § 66499.35(a). If the city determines that the property does not comply, it must issue a conditional certificate of compliance. Gov't Code § 66499.35(b). An appellate court described the legislative intent behind the certificate of compliance procedure:

The Legislature in enacting a comprehensive scheme to regulate the creation and control of subdivisions and other divisions of land, past and present, and in an obvious effort to provide a fair and equitable scheme to settle the validity of divisions of land occurring in decades past under earlier provisions of law, also provided a means whereby land owners could request that a local government make a determination about the validity of any prior division of land. That means is presently embodied in Gov't Code § 66499.35.

Stell v. Jay Hales Dev. Co., 11 Cal. App. 4th 1214 (1992).

This section allows two different standards of conditions to be imposed in issuing a conditional certificate of compliance. If the one who seeks the certificate is the one who initially violated the law and that person is the current owner, the city may impose such conditions as would be applicable to a current division of property. However, if the one who is requesting the certificate is not the violator, the city can then impose only those conditions established by the Map Act or local ordinance that would have been applicable to the division at the time the applicant acquired its interest. Gov't Code § 66499.35(b). The two different standards were written on the assumption that the conditions in effect at the current time will be stricter than the ones that were in effect earlier. The Attorney General has opined that the conditions

PRACTICE TIP

A city must issue either a certificate of compliance or a conditional certificate of compliance. It cannot refuse to act.

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imposed could include the requirement that the subdivider apply for a subdivision map to legally create the parcel. 81 Ops. Cal. Atty. Gen. 144, 146 n. 4. (1998).

Certificates and conditional certificates of compliance must include the following notice:

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

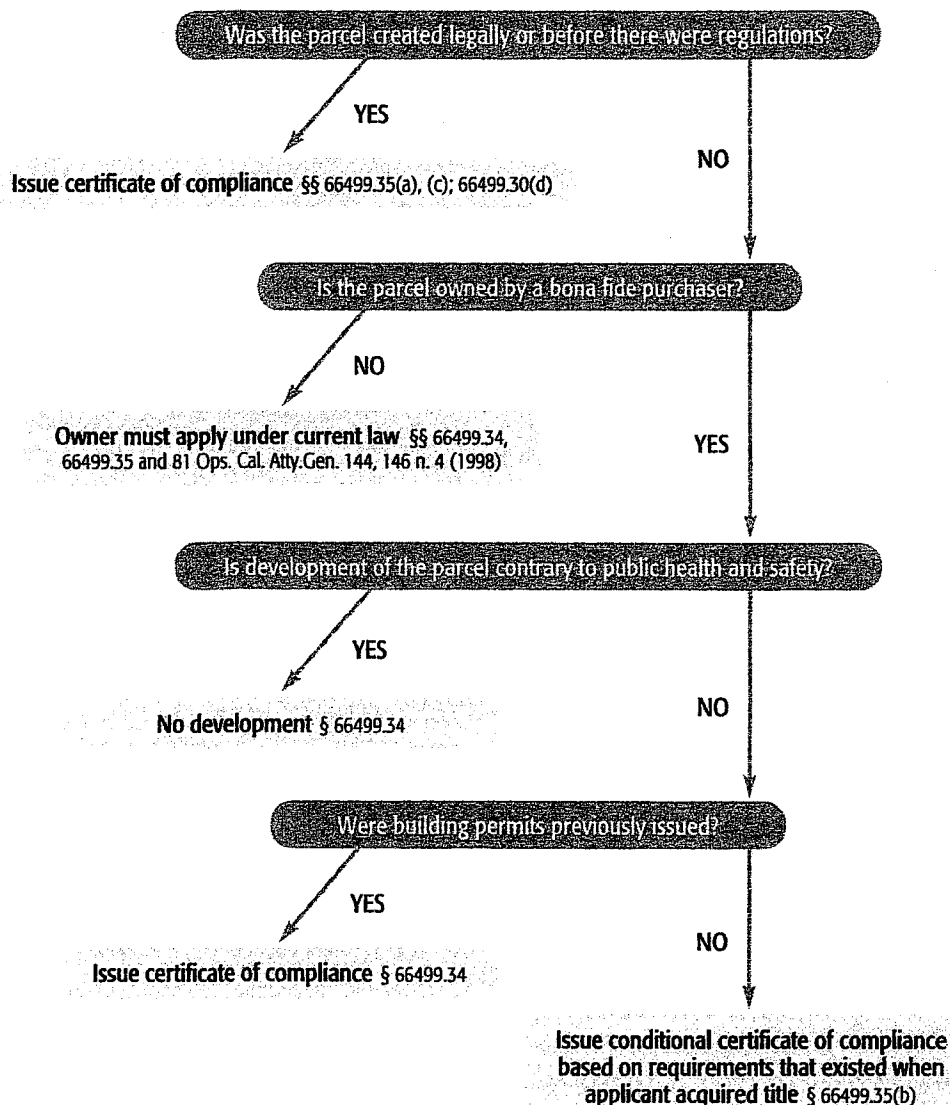
Gov't Code § 66499.35(f).

Certificates of compliance determine only whether the parcel conforms to the requirements of the Map Act and local ordinances. They do *not* grant any right to develop the parcel.

PRACTICE TIP

Certificates of compliance determine only whether the parcel conforms to the requirements of the Map Act and local ordinances. They do not grant any right to develop the parcel.

Certificate of Compliance Flow Chart



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Attachment 4
Staff Letter – March 8, 2006

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

March 8, 2006

Fred Strong
P.O. Box 2621
Paso Robles, CA 93447

SUBJECT: Certificates of Compliance C05-0110 (Steven Shears / Fred Strong & Associates)

Dear Mr. Strong:

On March 6, 2006 the Department of Planning and Building received your letter dated March 4, 2006 in which you requested planning staff to either reconsider our determination regarding Mr. Shears's request for four (4) unconditional certificates of compliance, or set this matter for a hearing before the Board of Supervisors. Planning staff maintain their position regarding the approval of one (1) unconditional certificate of compliance for Mr. Shears for APN: 026-331-001. In order to be a valid appeal you need to submit the appeal application form and the appeal fee. Please submit the appeal application and appeal fee to the department on or before March 15, 2006. Thank you.

If you have any questions concerning your project or this notice please contact me at (805) 781-4660 or email me at jmanson@co.slo.ca.us.

Sincerely,

Victor Holanda, AICP, Director Department of Planning and Building

By *Jo S. Manson*

Jo S. Manson, Planner II
Information Services Group

cc: Steve Shears
P.O. Box 4517
Paso Robles, CA 93447

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Attachment 5
Letter From F. Strong & Associates
March 4, 2006

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F. Strong & Associates
P.O. Box 3621
Paso Robles, CA 93447-3621
(805) 238-5400
fstrong@charter.net

SLO CNTY
PLANNING/BUILDING
DEPT

2006 MAR -6 AM 11:16

March 4, 2006

Victor Holanda, Director of the Department of Planning and Building
and Planner II Jo S. Manson
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

Dear Mr. Holanda and Ms Manson;

We do not accept your analysis regarding the four parcels contained in APN: 026-331-001; County File Number CO5-0110. We do NOT want a single Certificate of Compliance processed for these four lots, pieces and parcels of land on March 7 as indicated in your letter of February 21 which was received about a week later.

You have failed to note that there were four conveyances, one for each lot, piece or parcel described in 50 DDS 2 (10/17/1901); 97 DDS 345 (7/14/1913); 102 DDS 185 (9/21/1914), 105 DDS 219 (10/5/1915), and 105 OR 187 (1/28/1931). You merely referenced the similarity between the descriptions in the deeds and the description in the Patent. The Patent created one parcel. The subsequent conveyances created four lots, pieces and parcels. After the creation noted, subsequent deeds, easements etc. used the terms "all that real property", "real property" and "land" as was the custom and, none of which combined the four lots, pieces and parcels back into a single lot, piece or parcel. The four individual lots, pieces and parcels of property were created according to existing law by said conveyances whose descriptions specifically described them in a manner which individually identified them according to a recognized system which had a map of record which also identified them in a manner which allowed their recognition and identification.

Those maps were referenced in our application for this ministerial procedure which requires issuance of these certificates in accordance with State law, as also noted in the application. As was the custom then, and is the custom now, that single piece of paper filed and received as number CO5-0110 contained four lots, pieces or parcels of land. The fee you charged acknowledged that the single file number referred to and designated four separate lots, pieces and/or parcels of land for four Certificates of Compliance.

A reading of other deeds contained on the same pages as some of the referenced deeds in our application and to which you referred in your response dated February 21, 2006, shows a distinct difference. That difference is the difference between the written description of single lot, piece or parcel conveyance and a description of multiple conveyances of lots, pieces and/or parcels of land for recordation purposes. 97 DDS 345 (7/14/1913) contains one of our deeds which continues on page 346. Page 346 also contains a deed which clearly states that it is conveying "... that certain lot, piece or parcel of land ...", in other words it describes a single, rather than a multiple, conveyance. 102 DDS 185 (9/21/1914)

ATTACHMENT #5

1914) contains one of our deeds which continues on page 186. Page 186 also contains a deed which clearly states that it is conveying "... that certain lot, piece or parcel of land ...", in other words it describes a single, rather than a multiple, conveyance. 105 DDS 219 (10/5/1915) contains one of our deeds which continues on page 220. Page 220 also contains a deed which clearly states that it is conveying "... that certain lot, piece or parcel of land ...", in other words it describes a single, rather than a multiple, conveyance.

There is no statute, no custom, and no case law that requires each individual lot, piece or parcel of land to have the record of its conveyance be described and recorded in a separate written document. In our application we presented multiple examples of each type of description of various numbers and amounts of conveyances. We even presented this to County Counsel before making our application and were told to proceed.

There are some who have become confused in this regard by a misquote of a previous case which took place in writing the opinion issued by the Court in the case of Gardner v County of Sonoma. The misquote regarded a decision which was rendered in Lakewood v County of Santa Clara [short form references used for brevity's sake]. Lakewood never said that individual "deeds" were required. Rather Lakewood said that individual conveyances with identifiable individual description must be present for the individual lot, piece or parcel to have been created and be recognized.

In Gardner the defendants were joined by government agencies and their related associations in an effort to achieve a political solution which could overturn State and Federal Constitutional protections for property rights which certain environmental lobbies believe have allowed the creation, in the past, of quantities of buildable lots, pieces and parcels which, in their view, endanger the ecology of some areas of California. Antiquated subdivisions in San Luis Obispo County were specifically mentioned, and the number of lots contained therein noted, in the brief filed.

However, that decision does not, nor can it, combine previously created lots regardless of their contiguity. The State Subdivision Map Act is extremely clear as to the procedures for combining lots. That procedure has not been followed in this case. These parcels were created in a manner recognized and specifically provided for in the Map Act as late as 1973. We noted the differences in the "official" County maps of the era. I am aware that County Counsel has at times represented that those maps were not "official" and did not "create" lots. We do not maintain that they created anything. We maintain that they did recognize lots that they believed had already been created and that existed and were subject to property taxation. The intent and belief of the governing body of the County is, we believe, too important and binding than to suffer its being struck down by the opinion of any member of the administrative or judicial branches of government who do not have direct access to those whose "intent" they are placing in doubt.

The intent of those who were parties to the conveyance of these lots, pieces and parcels of land is clear on its face. We respectfully request that you either reconsider your determination to not comply with the State mandate for this ministerial action or to set this matter for a quasi-judicial hearing on the subject before the Board of Supervisors, the official governing board of this jurisdiction.

With sincere regard for your good intentions,


Fred Strong

F. Strong and Associates

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Attachment 6
Staff Letter – February 21, 2006

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

February 21, 2006

Fred Strong
P.O. Box 2621
Paso Robles, CA 93447

SUBJECT: Certificates of Compliance C05-0110 (Steven Shears / Fred Strong & Associates)

Dear Mr. Strong:

The Department of Planning and Building has reviewed the materials submitted with the application for Steven Shears for four (4) unconditional certificates of compliance. In order to confirm the legal status of APN: 026-331-001 as four separate legal parcels we would need to review a separate pre-1972 deed for each requested property separating the property from surrounding lands. Each deed would need to describe each property in its current configuration. We need proof of separate conveyances for each of the lots, as well as the southeast quarter of the northwest quarter of Section 6, separating them from surrounding land to effectuate their creation. If the lots and quarter section have been deeded separately from surrounding land, the deeds could provide the evidence of separate legal parcels if the deeds were dated prior to 1972 for lots such as these that are over forty (40) acres in size.

The following deeds have been provided to date for the subject property:

- a. E PAT 468 (7/28/1892) - This deed describes government lots 3, 4, 5 and the southeast quarter of the northwest quarter of Section 6, T27S, R11E. This deed confirms one legal parcel consisting of all of the properties given the full legal description is contained on one conveyance document.
- b. 50 DDS 2 (10/17/1901) - Same description as E PAT 468.
- c. 97 DDS 345 (7/14/1913) - Same description as E PAT 468.
- d. 102 DDS 185 (9/21/1914) - Same description as E PAT 468; mistake in township corrected in 105 DDS 219.
- e. 105 DDS 219 (10/5/1915) - Same description as E PAT 468; corrected mistake in township in 102 DDS 185.
- f. 105 OR 187 (1/28/1931) - Same description as E PAT 468.
- g. 248 OR 380 (12/23/1938) - Same description as E PAT 468.
- h. 303 OR 454 (8/19/1941) - Same description as E PAT 468.
- i. 1354 OR 83 (5/25/1965) - Same description as E PAT 468.
- j. 2010 OR 886 (8/30/1977) - Same description as E PAT 468.
- k. 2016 OR 420 (10/6/1977) - Describes 3 portions of the South Half of Section 6, T27S, R11E. Does not describe subject property.

ATTACHMENT #

- l. 2371 OR 238 (9/1/1981) - Same description as E PAT 468.
- m. 3298 OR 83 (4/7/1989) - Same description as E PAT 468.
- n. Doc. # 2000-052288 (7/15/1999) - Same description as E PAT 468.
- o. Doc. # 2005-003031 (recorded 1/12/2005) - Deed of Trust - Same description as E PAT 468.
- p. Doc. # 2005-016656 (2/2/2005) - Same description as E PAT 468.
- q. Doc. # 2005-016657 (1/21/2005) - Same description as E PAT 468.
- r. Doc. #2005-016658 (1/21/2005) - Deed of Trust - Same description as E PAT 468.

After evaluation of the deed history submitted in the application staff have concluded that none of these particular lots or quarter section have a separate deed that describes the individual lots or quarter section by itself and separates the lots or quarter section from surrounding land. Therefore, we will act to approve one (1) unconditional certificate of compliance for the entire subject property on March 7, 2006.

Attached for your review is the legal description for the certificate of compliance that will be recorded by the County to finalize the application. Review the legal description carefully and please contact our office if you have any concerns or questions regarding the description on the certificate.

You submitted a payment of \$1,409.00 for four (4) unconditional certificates of compliance. The fee for one (1) unconditional certificate of compliance is \$509.00. The cost for recording the document is \$ 27.00, which includes a \$17.00 transfer fee. The total fees required for one unconditional certificate of compliance are $\$509.00 + \$27.00 = \$536.00$. Therefore, Mr. Shears is entitled to a refund of \$873.00. Upon your concurrence with the recording of one (1) unconditional certificate of compliance I will forward paperwork to our accounting section to process the refund to Mr. Shears.

If you do not agree with the decision made by the department, you may appeal this determination to the County Board of Supervisors. You must appeal the decision within 14 days from the action date, which is the date of this correspondence. If you wish to appeal, please submit the request to the Planning Commission Secretary with the appropriate appeal fee.

If you have any questions concerning your project or this notice please contact me at (805) 781-4660 or email me at jmanson@co.slo.ca.us.

Sincerely,

Victor Holanda, AICP, Director Department of Planning and Building

By



Jo S. Manson, Planner II
Information Services Group

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Enclosures: Payment History, Draft Certificate of Compliance

cc: Steven T. Shears
617 Nickerson Dr.
Paso Robles, CA 93446

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Payment History For

San Luis Obispo County Department of Planning and Building

County Government Center

San Luis Obispo, California 93408

Telephone: (805) 781-5600

Case #: SUB2004-00334

Fee ID #	Description	Fees	Paid	Date Paid	Check #	Receipt #	Recorded By	Due History
53	200504251036541320 S53-Certificate Unconditionl	1,409.00	1,409.00	04/25/2001	96	2420040000000000000130	CMC	0.00

Total Fees: \$1,409.00

Paid: \$1,409.00

TOTAL REMAINING DUE: \$0.00

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RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

Director of Planning and Building
County Government Center
San Luis Obispo, California 93408
ATTN: Jo S. Manson

APN(S): 026-331-001
PROJECT NO: C05-110
PARCEL NO: 1
FILE NO: SUB2004-00334

DRAFT

CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(a)



This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, being described as follows:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):

Alice Jepson, a widow and Mark E. Jepson and Jane Jepson, husband and wife, all as joint tenants, Steve Shears and Mary E. Shears husband and wife, as joint tenants, as to an undivided 1/3 interest; F. William Brady, an unmarried man as to an undivided 1/3 interest.

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) SS

(SEAL)

VICTOR HOLANDA

Director, Department of Planning and Building

By: _____
Jo S. Manson, Planner II

On this ____ day of _____, in the year 2006, before me, Mary L. Velarde, Notary Public, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

APN(S): 026-331-001
PROJECT NO: C05-110

FILE NO: SUB2004-00334
PARCEL NO: 1

EXHIBIT A

Legal Description

Lots 3, 4 and 5 & the Southeast quarter of the Northwest quarter of Section 6, in Township 27 South, Range 11 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo, State of California, according to the official plat of the survey of said lands approved by the Surveyor General.

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Attachment 7
81 Ops. Atty. Gen. 144 (April 3, 1998)

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It is concluded that a charter school may not be formed as a separate legal entity from the school district that granted the charter. Whether a charter school may exercise such independent legal rights as to sue and be sued, purchase property, employ personnel, and contract for services, including legal services, is governed by the provisions of the particular charter. (See § 47601; 80 Ops.Cal.Atty.Gen. 52, 55-56 (1997).)

Opinion No. 97-1202—April 3, 1998

Requested by: MONO COUNTY COUNSEL

Opinion by: DANIEL E. LUNGREN, Attorney General
Gregory L. Gonot, Deputy

THE HONORABLE MARSHALL S. RUDOLPH, COUNTY COUNSEL,
COUNTY OF MONO, has requested an opinion on the following question:

If a federal patent conveying government property into private ownership describes the property being conveyed in terms of multiple, contiguous "lots" depicted on an official United States Government Survey Map, does each lot constitute a distinct legal parcel that a county must recognize for purposes of the California Subdivision Map Act?

CONCLUSION

If a federal patent conveying government property into private ownership describes the property being conveyed in terms of multiple, contiguous "lots" depicted on an official United States Government Survey Map, each lot does not constitute a distinct legal parcel that a county must recognize for purposes of the California Subdivision Map Act.

ANALYSIS

The California Subdivision Map Act (Gov. Code, §§ 66410-66499.37; "Act")¹ vests local governments with control over the design and improvement of land subdivisions in California. (§ 66411; *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 748; *City of West Hollywood v. Beverly Towers, Inc.* (1991) 52 Cal.3d 1184, 1189.) "Subdivision" means the division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing (§ 66424.) A subdivider must obtain approval of and

¹ All section references hereafter are to the Government Code.

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record a subdivision map with the governing local entity before resulting parcels may be sold, leased, or financed. (*John Taft Corp. v. Advisory Agency* (1984) 161 Cal.App.3d 749, 755; *South Central Coast Regional Com. v. Charles A. Pratt Construction Co.* (1982) 128 Cal.App.3d 830, 845; *Simac Design, Inc. v. Alciati* (1989) 92 Cal.App.3d 146, 157-159.) The main purposes of the Act are to facilitate orderly community development and to protect the public from fraud and exploitation. (*South Central Coast Regional Com. v. Charles A. Pratt Construction Co.*, *supra*, 128 Cal.App.3d at 844-845; *Benny v. City of Alameda* (1980) 105 Cal.App.3d 1006, 1011; *Pratt v. Adams* (1964) 229 Cal.App.2d 602, 605-606.)

We are asked to determine whether a United States Government Survey Map ("Survey Map") depicting contiguous "lots" effects a subdivision of land for purposes of the Act such that when a federal patent conveys the lots into private ownership, each of the lots must be recognized by the county for purposes of the Act. Virtually the same issue was addressed in *John Taft Corp. v. Advisory Agency*, *supra*, 161 Cal.App.3d 749. In *Taft* the court considered the status of a Survey Map that had been filed in 1878 and had outlined and identified three contiguous lots that were later included in a patent conveying approximately 140 acres of property into private ownership.² Subsequent conveyances were accomplished by a single instrument that separately identified, but did not divide, ownership of the lots. In 1980 the current owner of the property conveyed two of the lots by separate grant deeds and retained the balance of the land. Because the county had never approved any map under the provisions of the Act and had never granted approval of any subdivision of the property, the issue presented was whether the separate sale of the two lots constituted an illegal subdivision under the requirements of the Act.

The *Taft* court held that the Survey Map did not establish a subdivision of land within the meaning of the Act. If it had established a subdivision, the Act itself would have exempted the owner from having to obtain county approval of a map in order to sell the two lots. As the court explained: "We . . . focus on the question whether the U.S. Survey Map 'established' a 'subdivision' which 'created' lots 1, 2 and 3 as 'lawful parcels' which were exempt within the meaning of sections 66424.2 and 66499.30, subdivision (d) of the Map Act." (*Id.*, at p. 756.) The court pointed out that the Survey Map did not provide constructive notice to prospective transferees, was not recorded in the local office of the county recorder, and

² Federal patents may convey real property into private ownership under various federal statutes dealing with such matters as school allotments, military allotments, public land allotments, homestead allotments, and railroad grants.

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did not serve the same purposes of a map filed under the Act. (*Id.*, at pp. 754, 756.) While federal survey law may use the term "legal subdivision," such term "refers neither to a physical division of land nor to the allocation of a parcel to more than one owner." (*Id.*, at p. 753.) Accordingly, the court concluded that "the 'legal subdivisions' referred to by the federal survey laws have not been 'established' within the meaning of the Map Act." (*Id.*, at p. 756.) The court found support for its conclusion in cases holding that a Survey Map "does not 'subdivide' the property for purposes of the [California] Subdivided Lands Act. [Citations.]" (*Id.*, p. 757.)

Similarly, here, the multiple contiguous lots depicted on a Survey Map may not be separately conveyed without compliance with the requirements of the Act. The lots described in the present situation collectively constitute one parcel for purposes of the Act, not multiple legal parcels.³ In reaching this conclusion, we are cognizant of dictum in *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, concerning the possibility that subdivisions may have been created prior to the inception of the Act and its predecessors. In *Morehart*, in analyzing the effect of the Act's merger provisions on an "antiquated subdivision," the court stated that it "need not consider any of the prerequisites to creation of a parcel that preceded California's first subdivision map statute in 1893." (*Id.*, at p. 761.) Although this dictum suggests that lots may have been created prior to 1893 outside the framework of any subdivision statutes or ordinances (see *id.*, at p. 766 (conc. opn. of Mosk, J.)), the fact remains that the *Taft* decision clearly holds that a Survey Map does not establish a subdivision for purposes of the Act.⁴

³ In *Lakeview Meadows Ranch v. County of Santa Clara* (1994) 27 Cal.App.4th 593, 594-598, and *Gomes v. County of Mendocino* (1995) 37 Cal.App.4th 977, 982-983, each parcel within a group of contiguous parcels under common ownership was conveyed by a different patent. In those circumstances, each such individually patented parcel was considered to be a legal parcel under the Act. Here, as in *Taft*, there is but one patent that encompasses several contiguous parcels.

⁴ Although not required to issue a certificate of compliance for lots of the type discussed herein, the county may be required to issue a conditional certificate of compliance pursuant to section 66499.35, subdivision (b). That provision does not appear to leave the county with the option of denying the certificate of compliance without more. (See *Stell v. Jay Hales Development Co.* (1992) 11 Cal.App.4th 1214, 1227; *Hunt v. County of Shasta* (1990) 225 Cal.App.3d 432, 442; *Kirk v. County of San Luis Obispo* (1984) 156 Cal.App.3d 453, 458-459; 74 Ops.Cal.Atty.Gen. 149, 153-154 (1991).) However, depending upon the circumstances, the conditions imposed may be simply that the subdivider must file a map that would meet the current requirements of the Act.

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